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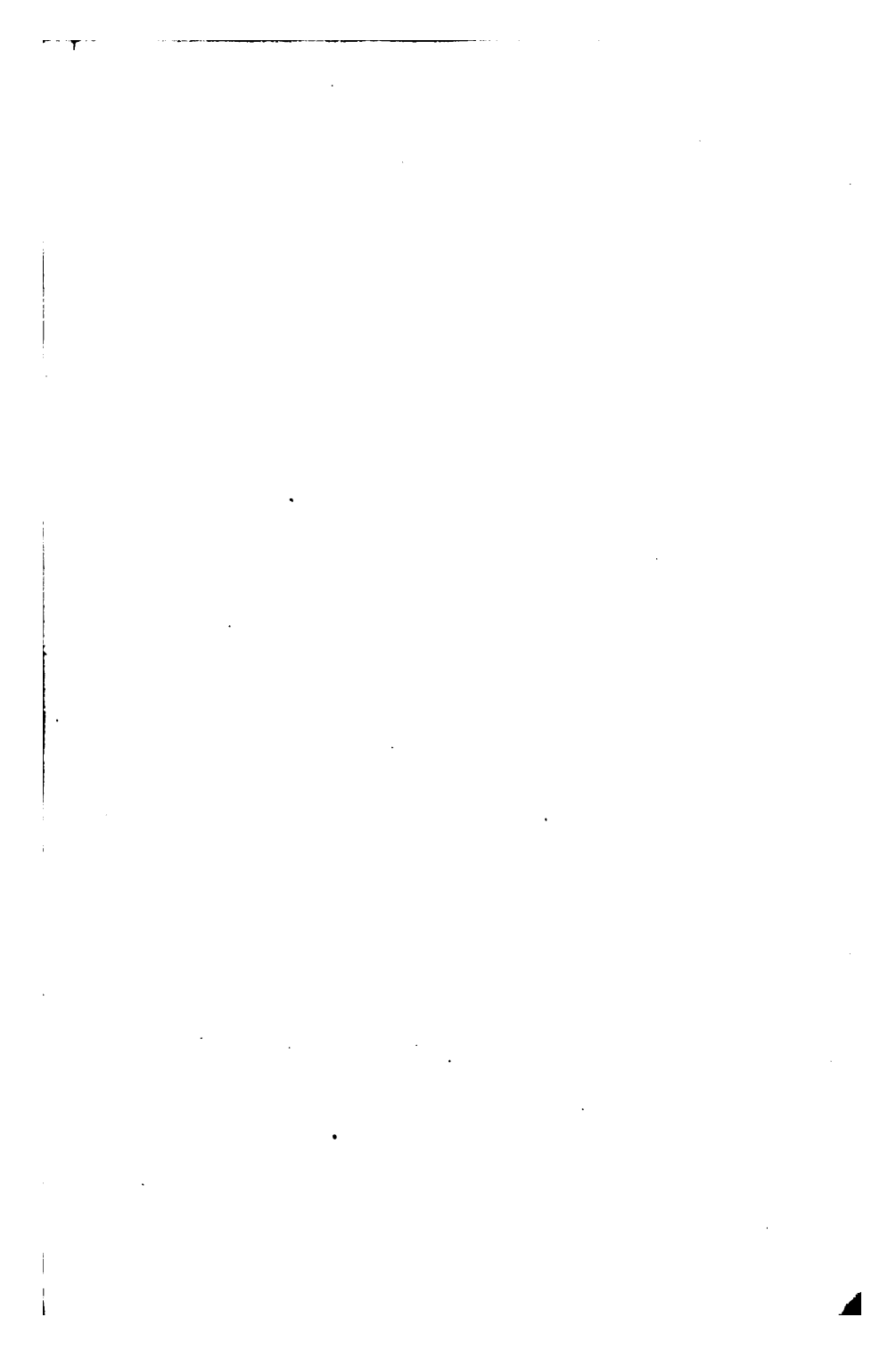
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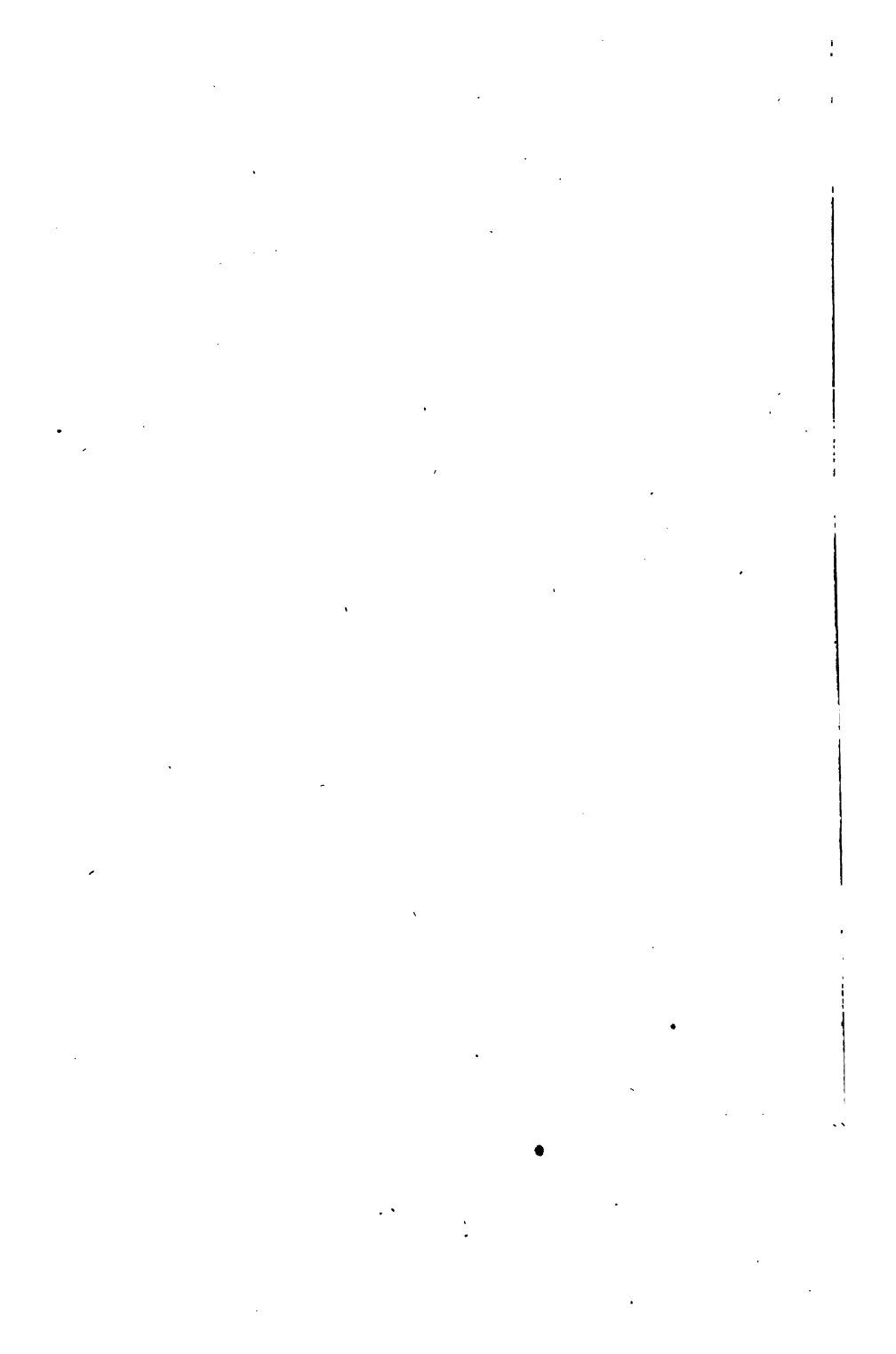
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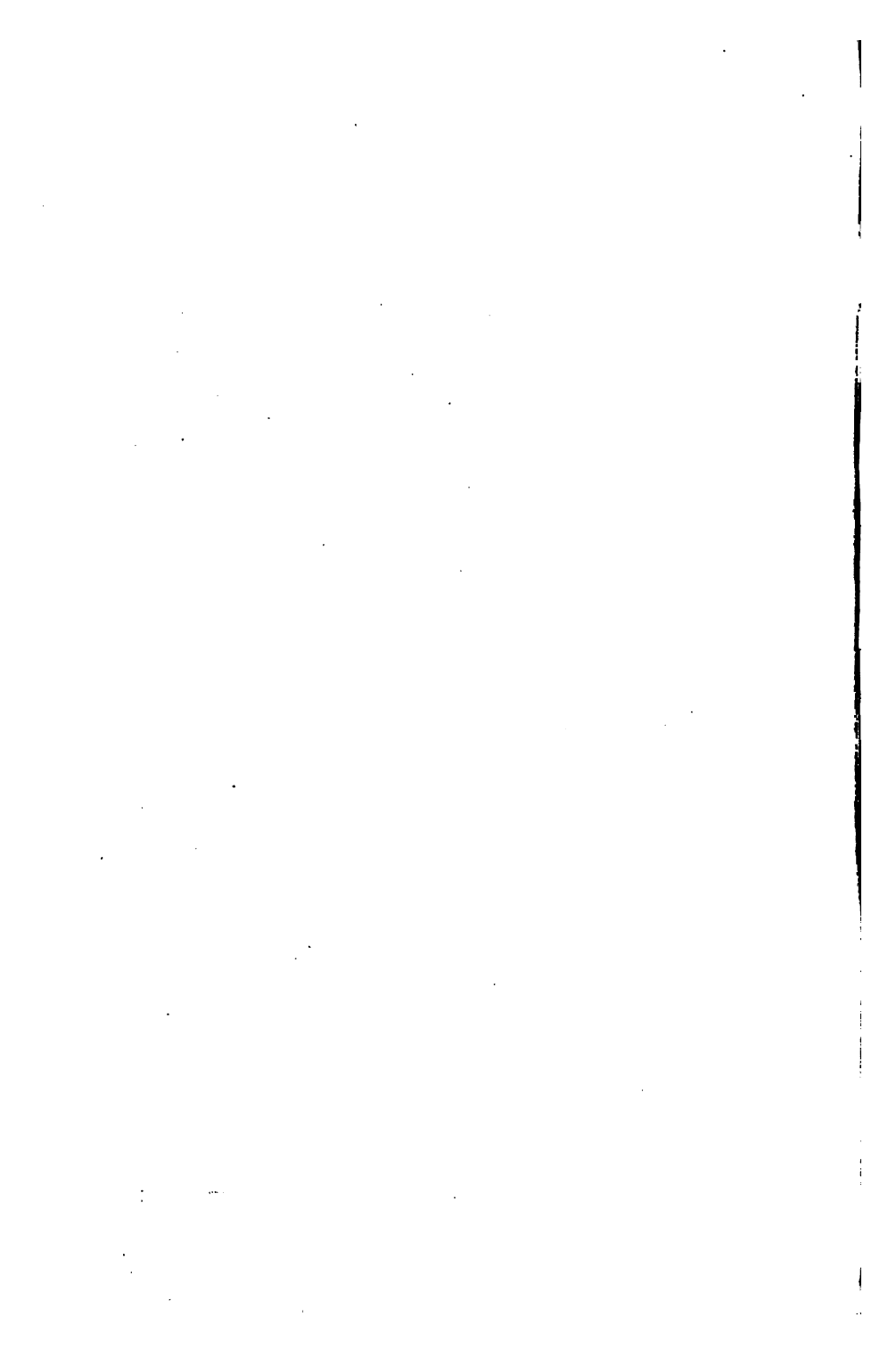




THE CASSELL PRIZE ESSAY

ON THE

CONDITION OF IRELAND.



THE
CASSELL PRIZE ESSAY
ON THE
CONDITION OF IRELAND.

BY
WILLIAM EDWARD HEARN, LL.B.,
PROFESSOR OF GREEK IN QUEEN'S COLLEGE, GALWAY.

*Gough Adds Ireland
8° 287.*

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The following Advertisement and award will sufficiently explain the circumstances under which this Essay was published :—

THE MORAL, SOCIAL, AND POLITICAL CONDITION OF IRELAND.

PRIZE OF TWO HUNDRED GUINEAS.

Mr. JOHN CASSELL hereby offers the sum of Two HUNDRED GUINEAS for the BEST ESSAY on the MORAL, SOCIAL, AND POLITICAL CONDITION OF IRELAND. It must discuss the following topics, namely :—

- 1st.—The Nature, Extent, and Causes of Existing Evils, Moral, Social, and Political, as evidenced in the present condition of the Irish People.
- 2d.—The natural advantages possessed by Ireland as to Geographical Position, Climate, and Soil ; and to what extent these have been neglected or improved.
- 3d.—The Means by which the Industry and Wealth of Ireland may be increased, her Tranquillity secured, and her Social Position rendered equal to that of Great Britain ; whether these desirable results are to be attained by a development of the energies of her own People, and how far they can be promoted by Legislative measures.

CONDITIONS.

The Essay should be written in a concise and compendious style, and should not exceed in quantity 200 pages of Long Primer leaded, in demy octavo.

The Essay to be the property of the Donor, who, being the Proprietor of a London newspaper, THE STANDARD OF FREEDOM,* and anxious to bring the facts gathered before the British public, will, in the first instance, publish the Essay in successive numbers of that Paper. He will afterwards, if desirable, publish it in a separate volume.

Each Essay must have some peculiar signature or motto, and be accompanied by a sealed note, containing the real name and address. The note of the successful competitor not to be opened until the Adjudicators have given their decision.

* Since the issuing of this announcement, THE STANDARD OF FREEDOM has passed into other hands ; but, in order that full justice may be done to the important subjects embraced in this Essay, and to ensure it the utmost publicity, a copy of the Work will be transmitted to the principal newspapers published in the United Kingdom.

METHOD OF ADJUDICATION.

The method which has been decided on for adjudicating on the Essays competing for this Prize, is to have two Adjudicators and an Umpire. The gentlemen who have kindly consented to act are—as Adjudicators, JONATHAN PIM, Esq., Author of “The Condition and Prospects of Ireland,” and Professor HANCOCK, Author of “Impediments to the Prosperity of Ireland;” and as Umpire, MONTFORT LONGFIELD, Esq., Q.C., Commissioner of the Incumbered Estates Court.

As these Gentlemen have intimated that they cannot examine the Essays before the 1st of August, the time for receiving the Essays has been extended from the 1st of May, 1851, till the 21st of July. The Manuscripts to be sent to Mr. JOHN CASSELL, 80, Fenchurch-street, London; or, under cover to that address, to Mr. J. B. GILPIN, 59, Dame-street, Dublin.

AWARD OF THE ADJUDICATORS.

“40, *Trinity College, Dublin, 26th September, 1851.*

“DEAR SIR,—We have examined the twenty-five essays marked in the manner stated in the annexed list, which have been submitted to us for competition for your prize of two hundred guineas for the best Essay on the Moral, Social, and Political Condition of Ireland.

“We are of opinion that the Essay marked with the motto *Μὴ τῇ Ἀληθείᾳ θύσῃ* is the best, and that the author of this Essay is entitled to the prize.

“We have accordingly opened the sealed letter with the above motto marked upon it, and we find that the author of the Essay is William Edward Hearn, LL.B., Professor of Greek in Queen’s College, Galway.

“We remain, dear Sir,

“Yours very truly,

“JONATHAN PIM.

“JOHN CASSELL, Esq.”

“W. NEILSON HANCOCK.”

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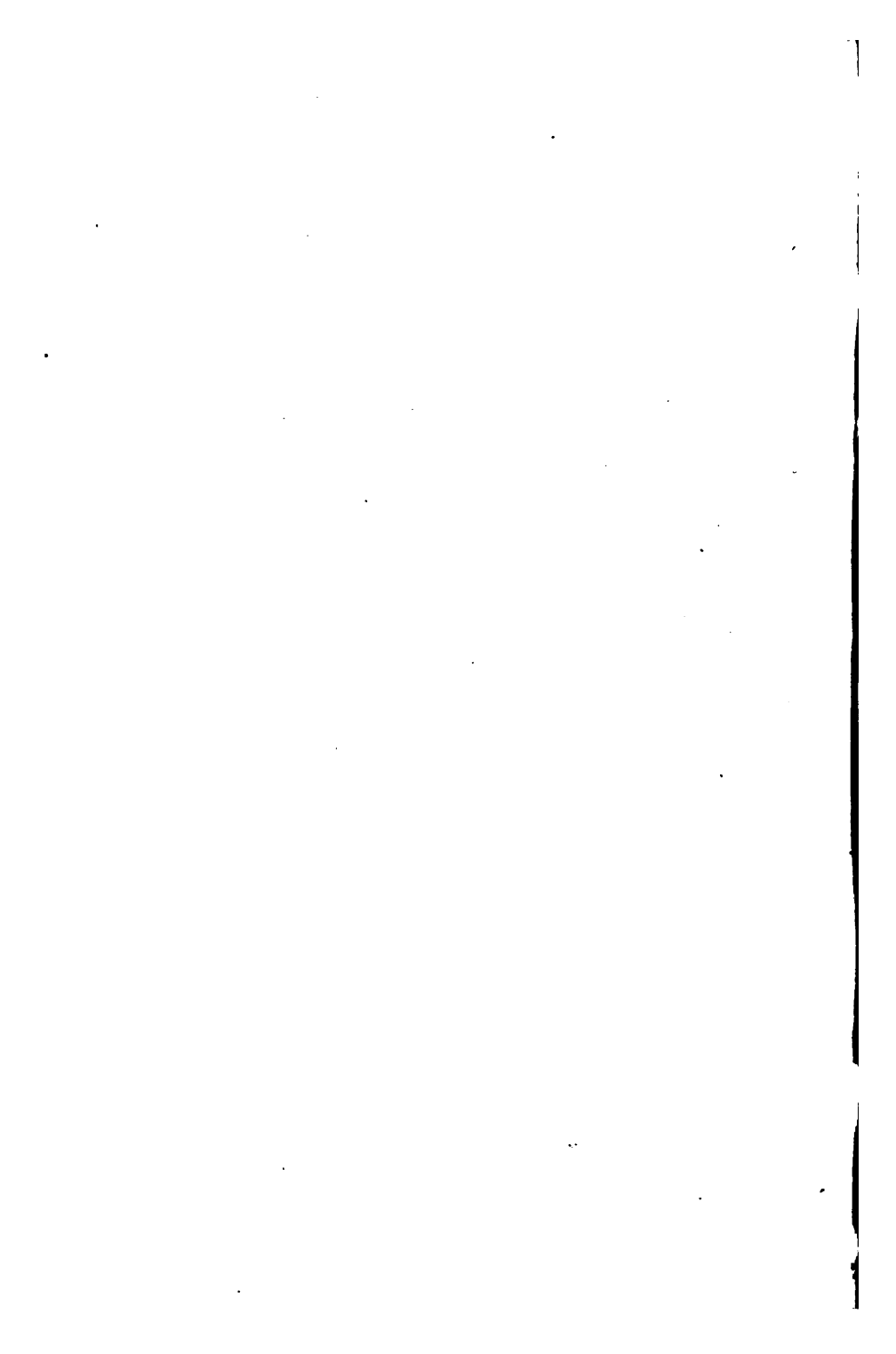
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CHAPTER I.

ON THE EXISTING EVILS OF IRELAND, AND THEIR CAUSES.

"An agricultural country in the hands of an aristocracy is a state at once of physical, intellectual, and moral degradation, and which tends to exclude all opportunities of amendment."—DR. ARNOLD: *Appendix to "Thucydides,"* Vol. I. p. 516, 3rd edit.

IN the year 1841, the Census of Ireland was taken with extreme accuracy. Three years afterwards the commission over which Lord Devon presided, examined with the utmost care the condition of the agricultural classes and districts. The results arrived at by these investigations are peculiarly important, not merely because the evidence is such as we cannot elsewhere obtain, but because they declare the real condition of Ireland during the time in which protection was still in the ascendant, and in which the potato still bloomed.

It appears from the report of the Census Commissioners, that out of a population of somewhat more than eight millions one hundred thousand, three millions seven hundred thousand could neither read nor write, and that nearly three millions lived in cabins constructed of mud, containing but one small room, and destitute of all accommodation beyond the imperfect shelter they afforded from the wind and rain. In full accordance with these returns is the language of Lord Devon's report. It tells us that the Irish labourer is "badly housed, badly fed, badly clothed, and badly paid." It tells us that "in many districts their only food is the potato, their only beverage water; that their cabins are seldom a protection against the weather; that a bed or a blanket is a rare luxury; and that nearly in all, their pig and their manure heap constitute their only property." Nor is this state of things a matter of recent occurrence. Every credible writer on Irish affairs attests the same melancholy fact.

William of Malmesbury* notices and deplors "the savage and squalid multitude which the soil, destitute of every improvement, produces." Spenser is at a loss to account for the failure of the "good plots and wise counsels cast about its reformation." The cynical Swift, the amiable Berkeley, on this subject at least are agreed. "They reminded me of Ireland," said Arthur Young as the climax to his account of the wretched state of the peasantry of France in the year 1788. The condition of some of the Welsh labourers appeared to be "almost as bad as the Irish" to a witness cited by Mr. Kay in 1850. So that sixty years ago, and at the present moment, Ireland is the object by which the deepest degree of degradation is illustrated.

Shortly after the Devon Commission had closed its labours, an event occurred by which the whole face of the country was changed. For four successive years the crop upon which all the people of Ireland depended, but to which the poor looked for their very existence, failed, sometimes altogether, sometimes partially. The most dreadful famine known to the history of modern times was the consequence. Upwards of three millions of human beings were thrown at once upon the public for their daily support. An army of 734,000† able-bodied men were at once deprived of their ordinary employment, and were engaged in the most unprofitable labour. The sources of production were checked. Poor-rates were fast devouring the capital of the country. The ordinary tillage was suspended by the rush to the public works; thousands of acres were thrown out of cultivation. Meantime, in the beginning of 1848, the French Revolution took place. This event brought to a crisis the fever of political agitation which for many years before had been

* *De Gestis Regum Anglorum*, lib. v., 161, Sir Henry Saville's edition. See also this work translated by J. A. Giles, p. 443, in "Bohn's Antiquarian Library."

† See *The Irish Crisis*, by Sir C. E. Trevelyan. Edinburgh Review, lxxxvii., 237.

burning up the vitals of the country. Fortunately, however, the attempted rebellion proved an utter failure, and the malady, which at one time looked so formidable, passed happily off.

Such, then, was the state of Ireland in 1847-8. Famine, pestilence, crime, rebellion, an immense military force, crushing poor-rates, all who could command the means flying from the doomed country, industry paralysed, all classes, all occupations overwhelmed with a common suffering,—it seemed as if Heaven had indeed deserted us, and that there was no help left in man. Since that dreadful time it has pleased God to spare us. We have been blessed with abundant harvests, rebellion has been effectually crushed, crime has wonderfully decreased, industry is reviving, and men are once more alive to hope. Yet, when we see that within three years 601,000* people have emigrated; when we remember how the famine carried off its thousands, and the pestilence that followed it its tens of thousands; when we reflect upon the changes which these eventful years have wrought upon many a family, in every rank and in every locality; we cannot but look forward with a sort of fearful expectation to the results of the approaching Census—a Census which will mark at once the termination of ten of the darkest years of Ireland's gloomy history, and the commencement of what, with the blessing of God, will prove a happier and a brighter period.

We have seen that so lately as 1847 there were no less than 784,000 able-bodied men for whom no employment could be found. We have no returns of those who still continued to support themselves by private employment, but their numbers must, at the very worst, have been considerable. We know, from Mr. Griffith's report, that there existed in Ireland upwards of six millions of acres of waste lands, of which four millions could be profitably reclaimed. We know, too, that the highest authorities on the subject have declared that the land actually

* See Thom's Statistics of Ireland for 1861, p. 172.

under cultivation does not produce one-third of what it might be made to produce. Public documents show us that a balance of nearly £1,500,000 annually is transferred from the English to the Irish funds, and the recent sales in the Incumbered Estates Court confirm the conclusion that even in Ireland there is no want of capital. What, then, can be the cause which keeps asunder all the instruments for the production of wealth, scattered as they are in idle profusion over the country? Land, labour, capital, all abound, yet Ireland is the poorest and most miserable of European states.

Political the evil can hardly be, for it is now more than twenty years since the last distinction between Irishmen was happily swept away, and the law at this day recognises no difference between the civil rights of the haughtiest descendant of the followers of Strongbow and the humble posterity of the Celt. As far as the law is concerned, any person, no matter who, in any profession or occupation, no matter what, may accumulate any amount of wealth however enormous, or attain to any eminence however exalted. In no country does there exist a more complete freedom of conscience; every sect of every creed may in the most perfect security worship according to their own peculiar views, and may decorate their churches or endow their ministers with a liberality bounded only by their own wishes. The idea that there is something inherent in the Roman Catholic religion, or in the Celtic race, which presents an insuperable bar to industrial progress, is refuted by a mass of evidence which social science can rarely obtain. No fact is better established than that these poor Irish, these Catholic Celts, form the most energetic of colonists, the most active and unwearied of labourers. In England—where* 57,000 annually seek during the harvest the means for their winter's support—in the United States, in British America, in New Zealand, in Australia, in Van Diemen's Land, in every

* Report of Census Commissioners, 1841.

quarter of the habitable globe* from which we have received any account of British emigration, the witnesses concur in assuring us that the Irish have invariably been distinguished by their energy, their industry, and their success. And yet people are to be found who will gravely argue that the Irishman is an anomaly; that his case is utterly hopeless; that the laws which actuate all other men are not for him; that he does not care to gain the comforts of life; that he is lazy, improvident, and idle. There is, at least, one debt which Ireland owes to the memory of Sir Robert Peel. That eminent statesman, in almost his last speech on Irish affairs, added the weight of his great authority to the opinion which allows that the Irish labourer possesses the ordinary principles of human nature.

That the evils of Ireland were aggravated by political causes, there can, we think, be little doubt. That the malady, however, had a deeper and more dangerous seat is equally plain. The abolition of the Penal Laws, Catholic Emancipation, Representative and Municipal Reform, the alteration of the Tithe System, the extension of the Franchise,—all these have been successively demanded and successively granted, and Ireland is what she is. One grand cause, in the opinion of many, still remains. All the evils of Ireland, of every kind, are by some attributed to the Union. The Repeal question, and the ultra views of some of its more violent supporters of establishing Ireland as a separate and independent Republic, have been urged with a violence that more than once threatened to convulse the whole island to its centre. We believe that these opinions, like many other remedies for Irish distress, rested upon an utterly erroneous view of the duties of Government. It is now well ascertained that Government, based as it is on the principle of the division of employments, is influenced by the ordinary laws of that great principle. In exact

* See *Edinburgh Review*, xci., 26. Compare also the remarkable statements in Mr. Mayhew's "*London Labour and the London Poor*," p. 115.

proportion to the care with which Government discharges its duties, will be the success with which the people discharge theirs; and the great duty of Government is to preserve order at home and peace abroad, to secure the just performance of all contracts between man and man; and to leave to the powerful motive of individual interest to determine what those arrangements may be which best suit the circumstances and disposition of each. Beyond this, as a general principle, no Government is justified in interfering, unless to remove with discretion the results of the undue interference of their predecessors. The history of Paris in 1848 is a memorable proof of the impracticability of Government interference; and we hope to show that the unmaking laws is far more important to Ireland than the making them.

Many eminent men, seeing that political agitation was but an aggravating symptom, injurious indeed to the patient, yet sure to disappear with the primary malady, have adopted a very different, but, as we think, an equally erroneous, theory. We approach this part of our subject with no small diffidence, for there are many and distinguished names opposed to us. Indeed, we do not remember having ever conversed with any Englishmen who did not agree with the English economists in attributing the misfortunes of Ireland to the use of the potato. "The influence of this root,"* we are told, "arises from the fact that it yields an unusually abundant produce as compared with the extent of ground cultivated, and with the labour, capital, and skill bestowed on its cultivation." The consequences of this cheap and plentiful food (for the statement amounts to no more) would appear to be—first, an excess of population; second, that the people, as long as they had the potato, remained in contented poverty, without seeking, or even desiring, to improve their food or better their condition. As for the first point, we need hardly

* Sir C. E. Trevelyan on The Irish Crisis, p. 2. Edinburgh Review lxxxvii., 231.

pause to notice it. No one now says that Ireland is over-populated. It is admitted on all hands that her distress arises, not from the number of her people, but from the fewness of her productions; not because there are too many to feed, but because there is not enough to give them. As for the second, it is merely another mode of stating the Irish-indolence fallacy; it is but an attempt to account for a statement which we have shown to be untrue; and we might well leave it so. But there are other reasons why we cannot accept such a theory. We cannot believe that cheap and wholesome and plentiful food was ever injurious to any people. We maintain, on the contrary, that if some article of food was discovered ten times as cheap and as plentiful as the potato, it would be a great national benefit. We are told that it is ruinous for an entire people to depend solely upon the precarious produce of a single root. But the question at once arises, why do the Irish depend solely on the potato? We imagine that those who answer it on the principle of the potato theory will find that they have got into something very like a circle. But the fact is that the people eat potatoes because they are poor; but they are not poor because they eat potatoes. A man, as Adam Smith remarks, walks on foot because he cannot keep a carriage; but it does not follow that he cannot keep a carriage because he walks on foot. Professor Hancock suggests an admirable *experimentum crucis* on this subject. He recommends any gentleman who is still convinced of this peculiarity of Irish taste, to catch some potato-fed Celt, and to try him with roast beef and plum pudding, and he ventures to predict that, however gratifying the result may be to the cause of science, it will not, if persevered in, prove equally so to the pocket of the incredulous Saxon.

It has been very generally believed that, in connexion with the use of the potato, the practice of sub-letting, and the custom of middlemen, have largely contributed to the sufferings of Ireland. More than once, too, these practices have been repud-

bated by Parliament, but to no effect. It will, however, at once appear that the sub-division of land cannot be considered as the primary cause; for the question naturally arises, why is the land sub-divided? Indeed, the fact itself is more than doubtful; for we find that the average size of farms in the prosperous counties of Armagh and Down is 11 and 15 acres respectively, while in Mayo and Galway it is 23 and 30 acres. If we put a similar question in the case of middlemen, we shall find that the result will be the same. But, besides this, no good reason can be shown why the legislature should interfere with land more than with any other subject of commercial dealings: Land, if left perfectly free, would naturally fall into such arrangements as would be most profitable, and therefore best. The same remark will also apply to the much-vexed question of absenteeism. That absenteeism is not, as has been so often maintained, a drain upon the resources of the country, can, we think, be clearly proved, as well by the amount of labour which seems to follow the absentee to England, as by other more general considerations. As this point, however, has been doubted by many economists, we will not dwell upon it. That the presence of a resident landlord is not essential to, and by no means necessarily implies, the prosperity of an estate, appears from the fact that the estates of some absentees are in a most flourishing condition, while those of many resident landlords are in the deepest distress. The true cause of the distress of so many estates appears to be, not so much that the landlords are absentees, as that they are insolvent. At the same time, we readily admit that the presence of an intelligent, influential body of proprietors is most important. It is absolutely necessary for the efficient working of the Poor-law and other local measures; and never was its want so grievously felt as during the famine. Sir C. E. Trevelyan mentions the case of a Union the three highest rate-payers of which could not read, and actually established for themselves a claim to relief. Such cases aggravated in no small

degree the difficulty of maintaining the entire population of many districts. It is certain, however, that legislative interference would be of no avail. Setting aside the grave objection arising from the interference with individual freedom of action, we have distinct historical evidence of its inutility. We find that both James I. and Charles I. issued many proclamations against country gentlemen resorting to London, but in vain. In Ireland measures were in force against absentees from 1377 to 1753. We need hardly say that they were utterly ineffective. We believe that the only means of really checking absenteeism will be to leave land free, and to allow the owner to form such commercial contracts respecting it as he may find most convenient. The Poor-law must have a decided tendency in the same direction. "The Poor-rate," says Sir Charles Trevelyan,* "is an absentee tax of the best description, because, besides bringing non-resident proprietors under contribution, it gives them powerful motives either to reside upon their estates, or to take care that they are managed in their absence with a proper regard to the welfare of the poor." In so far, then, as absenteeism is an evil, it must be considered as a reacting effect, and not as a primary cause.

We have thus briefly noticed some of the principal theories proposed to account for Irish distress. We have seen that they are all inadequate; that of the facts on which they rest, some are unfounded, some greatly exaggerated, and most are symptoms of the disease merely, and not the disease itself. It now remains for us, as best we may, to point out what appears to us to be the true cause of our present state. We believe the principal source of the distress of Ireland to be the unnatural limitation of the field for industrial employment, produced by the combined influence of the absence of manufactures, and the undue limitation of the supply of land. By the absence of manufactures, the people are deprived of a great source of em-

* Irish Crisis, p. 79.

ployment, and are necessarily thrown back upon the land ; at the same time the land is tied up with the restrictions of an exploded system ; and so, while the demand is unduly increased, the supply is unnaturally diminished. Our problem, therefore, may be stated thus :—Irish distress arises from the excessive demand for land, while its supply is improperly limited ; if, then, the demand is excessive, what causes that excess ? if the supply be limited, whence arises that limitation ? If we shall have succeeded in fully ascertaining these causes, our analysis of the subject will be complete.

In order fully to understand the causes which have rendered the Irish peasant solely dependant upon the land, we must, however reluctantly, recur to the history of the country. We do not, indeed, wish to bestow any lengthened investigation upon the “unprofitable annals of Ireland.”* We believe that there is no country in the whole civilised world whose history affords to its student more pain and less advantage. Yet a short account of it is essential to an accurate knowledge of our present condition. The whole matter may be summed up in a few words. Ireland has been for centuries torn asunder by the continued struggle between the same parties, though they appear under different names. At first, the contest was between Englishry and Irishry, comprising under the latter name the degenerate colonists who had gradually sunk into a more hopeless barbarism than the poor natives whom they oppressed. In the year 1560 the reformed religion was finally established in Ireland. But “such were the difficulties which the state of that unhappy country presented, or such the negligence of its rulers, that scarce any pains were taken in the age of Elizabeth, nor indeed in subsequent ages, to win the people’s conviction, or to eradicate their superstition, except by penal statutes and the sword.”† An hundred years afterwards the deadly feud between the

* Hallam.

† Hallam : Constitutional History, vol ii., 529.

opposing creeds attained its height, and fearful atrocities were perpetrated for the ensuing fifty years ; yet still it was not too late. The noble design of the pious Bedell might still have been carried out. Had the Scriptures,* when the victory of the Boyne had crushed all opposition, been translated into the Irish language—had men, known to the people and acquainted with their wants, gone amongst them and addressed them in their native tongue—had, in short, the same measures been adopted in Ireland as were carried out in Wales and in the Highlands of Scotland—had the victors been as eager to instruct as to proscribe—who can estimate the results ? But it was not so. The Church was degraded and its efficiency impaired, as well by its elevation on the ruins of its fellow Christians, as by its sinking into a political engine. All this has, it is true, long since passed away, and a new generation of Churchmen, in the great majority of instances, have learned better the spirit of their calling ; but the bitter effects of that suicidal triumph are still among us, and in our country at least, religion has brought not peace, but a sword.

The same desperate fidelity with which the Irish, through evil report and good report, had clung to the creed of their fathers, attached them to the sinking fortunes of the worthless Stuarts, and thus the effect of the Revolution in our country was to add the name of rebel to those of Irishman and Papist. This was the accumulation of suffering. It matters little whether the penal laws were directed against one or more of these three characters, or, as seems most probable, against all combined. They were enacted ; that, for our present purpose, is enough ; and it is at the time of the Revolution that the really important portion of Irish history commences.

Had the illustrious Prince who was at that time called to the throne of Britain been allowed to follow the course to which his

* See Lord Mahon's History of England, vol. ii., 375.

own inclination and judgment led him, Ireland might have been to-day a different country. But it was out of his power. The political science of his day taught a very different lesson from that which we have learned. Men could not then imagine how two countries could render each other prosperous. They had no idea of reciprocity in benefits. They believed that one country must be managed so as to promote the interest of the other, and that the interests of each were directly and irreconcilably opposed. Such, both at the Revolution and long afterwards, were the views of English statesmen; in accordance with these principles they constructed their Irish policy, and verily they have had their reward. "It seems," says the eminent historian whose words we have just quoted, "as if the connexion of the two islands, and the whole system of constitutional laws in the lesser, subsisted only for the sake of securing the privileges and emoluments of a small number of ecclesiastics, who rendered very little return for their enormous monopoly." Under the penal code, no Roman Catholic could purchase land, or hold by lease, except at a rack-rent, and for a term not exceeding thirty-one years, under pain of forfeiture of the lease to the informer; neither could he lend money on mortgage, nor keep a horse worth more than £5, or possess arms of any description. Any son might, by professing Protestantism, deprive his father of his property, and render him a mere pensioner on what he had actually himself acquired. Roman Catholics were even obliged to conform within six months after any title should accrue by descent, devise, or settlement, on pain of forfeiture to the next Protestant heir; "a provision," says Hallam,* "which seems intended to exclude them from real property altogether, and to render the others almost supererogatory."

It is impossible to state fully the impediments thus offered to industry. We have no returns of the industrial enterprise which

* Constitutional History, vol. ii., 561.

might have been, but never was, developed in Ireland. We may, however, readily believe that Edmund Burke* spoke truly when he declared that these laws "were as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man." But if a Roman Catholic did succeed and accumulate money, what could he do with it? He could not invest it in the purchase of land; he could not lend it on mortgage; he could not even spend it on the improvement of his farm, or fine down the rent of a lease. Well might Arthur Young† ask, "Where is there a people in the world to be found industrious under such circumstances?"

But, hampered as industry was by these disabilities of four-fifths of the population, it was checked by other and different impediments. In the true spirit of commercial jealousy, England deliberately and successfully crushed the Irish woollen trade, proposing to encourage in its stead the linen trade—a promise at best but indifferently kept. England did not then know that such a measure was as injurious to herself as to Ireland. It was merely a part of the ordinary commercial legislation of the time. A worse evil was the incessant interference of the Irish Parliament itself. The Irish Statute-Book is full of Acts for the regulation of trade under various forms. In short, the whole commercial history of Ireland presents a picture of such ruinous intermeddling, such bounties and such restrictions, such monopolies given against the country abroad, and such a crushing of private enterprise at home, that it seems almost miraculous how any description of trade at all survived. "From the Revolution until these very few years," said Mr. Pitt, in 1786,‡ "the system had been that of debarring

* Letter to Sir Hercules Langrishe, Works, vol. vi., 378.

† Tour in Ireland, vol. ii., part 2, p. 48.

‡ Hansard's Parliamentary History, vol. xxv., 317.

Ireland from the enjoyment and use of her own resources; to make the kingdom completely subservient to the interests and opulence of this country, without suffering her to share in the bounties of nature, in the industry of her citizens, or making them contribute to the general interests and strength of the empire. This system of cruel and abominable restraint has counteracted the kindness of Providence, and suspended the industry and enterprise of man. Ireland was put under such restraints that she was shut out from every species of commerce. She was restrained from sending the produce of her own soil to foreign markets, and all correspondence with the colonies of Britain was prohibited to her; so that she could not derive their commodities but through the medium of Britain." The effects of this ruinous commercial policy, pursued not merely by England, but by Ireland itself, are distinctly pointed out by Arthur Young.* In enumerating the causes which up to his time had impeded the progress of Irish prosperity, he notices, along with other matters of a merely temporary nature, "the oppression of the Catholics, which, by loading the industry of two millions of subjects, have done more to retard the progress of the kingdom than all other causes put together; the perpetual interference of Parliament in every branch of domestic industry, either laying on restrictions or giving bounties, but always doing mischief; the ill-judged restrictions laid by Great Britain on the commerce of Ireland, which have prevented the general industry from being animated proportionably with that of others; and lastly," he adds (for it is but just to state it), "the great drain of the rents of absentees' estates being remitted to England, which has an effect, but, I believe, not quite so mischievous as has been supposed."

Under all these circumstances, it is not very surprising that, independently of the other causes which we shall presently have

* *Tour in Ireland*, vol. ii., part 2, p. 209.

to notice, the trade and commerce of Ireland were not very prosperous at the close of the last century, and so could afford but little employment to the people. But it may be said, are not all these things long since changed? The penal laws are as obsolete as their kindred thumb-screws and boots. An Englishman would now smile if told that the House of Commons once* voted the Irish trade a nuisance, and that within the memory of living men the proposal of some relaxation caused as much confusion and alarm as an invasion of the kingdom could have done.† The trade of Ireland is on the same footing as that of England. Why has the country not improved? It is certain that the country has improved, and greatly improved, within the last sixty years. It is also certain that, notwithstanding that improvement, the labouring classes "endure suffering greater than any other people in Europe have to sustain." On both these points the evidence of the Devon Commissioners is explicit. That, however, the country generally is far inferior in wealth to what it might and ought to be, is too notorious to require proof. After all, sixty years is but a short period in a nation's history, and we must not forget that the influence of the Penal Laws did not expire with their repeal in 1794. Nations, as well as individuals, have

* In 1666. See Lord Campbell's *Lives of the Chancellors*, vol. iii., 225.

† Annual Register, 1778, page 176. In the next page of the same volume, the following curious circumstance is recorded. Among other proposed relaxations of the commercial laws in favour of Ireland, a bill was introduced to permit the importation of Irish sail cloth. This measure was violently opposed, and petitions were presented from all parts of the kingdom, setting forth in strong terms the ruinous consequences that must follow the removal of its natural protection from this important branch of British industry. It was said that, in Ireland, taxes were low and labour cheap; and that, consequently, the Irish would be able to undersell the English manufacturers to such a degree that several of the principal seats of trade would inevitably be ruined. These prophetic warnings would certainly have been fulfilled, had it not been unfortunately discovered a short time afterwards that "the liberty of importing Irish sail cloth had been already established by a positive law of long standing."

their actions in their own power, but the consequences of those actions are beyond their control. The Legislature may, indeed, overthrow the work which the ignorance and folly of their predecessors had laboriously erected; but it is only for the "great innovator Time," "quietly, and by degrees scarcely to be perceived," to efface the fatal effects of persecution—a system the real opposite of mercy, since it is twice cursed, for it brings a curse upon "him that gives and him that takes."

As might have been expected, the Penal Laws, like the speeches of Pericles, left a sting behind them. The unfortunate policy adopted in 1798, and too long pursued, of setting one part of the nation to keep the other in subjection, the long delayed boon of emancipation, the unjust attempts to defeat, by the aid of the Executive, what had been sanctioned by the Legislature, precisely as the Roman patricians, more than 2,200 years before, had endeavoured to elude the similar results of the great parallel contest for the Licinian* law, the habit produced of continually looking to political changes for the cure of social evils, the desperate agitation which was so unceasingly kept up, all these circumstances tended to keep the country in that unsettled state which is the most hurtful to the peaceful and steady operations of industry. The agrarian distress mainly contributed to the same result. When no other means of employment existed, and when no poor-law checked the cruel carelessness of the landlord, or secured the outcast from starvation, it was but the literal truth to say that the possession of land was a matter of life and death. The political influence which a number of Forty-Shilling Freeholders gave to their landlords, and the haste with which they were discarded when no longer useful, also tended to increase the amount of pauperism. Thus the general suffering, caused by the want of employment, swollen by the cruel ejection of

* See Arnold's *History of Rome*, vol. ii., 76. Also vol. i., 330. Niebuhr perceived clearly the analogy between the Irish Roman Catholics and the Roman plebeians, sec. i., 586; iii., 537.

these freeholders, and embittered by the absence of any legal provision for the poor, rendered the people an easy prey to every party cry and every selfish agitator, and urged them into every description of violence and crime. Nor was this all. Most unhappily, the various parties took up these outrages which were almost exclusively agrarian, and made the theatre of justice the arena of their hateful strife. Instead of uniting calmly, but firmly, to suppress these lawless acts, one party distorted and magnified even the most petty disturbance with a violence and unfairness only equalled by that with which the most dreadful crimes were palliated and almost justified by the other. One party saw, in the combination of a few workmen, an infallible proof of the perverse stupidity of the Irish; another could only discover, in the murder of an agent, the wild justice of an outraged people. The one perceived in some drunken disturbances, the innate ferocity of a brutal and savage mob; another declared the burning of farm-yards and the mutilation of cattle to be merely the excess of spirit in a high-souled and generous nation. And so the people of England—partly from the distorted view of facts presented them by one party—partly from disgust at the countenance which the other at least appeared to lend to crime—have been firmly convinced that Ireland affords no secure investment for their capital or skill, and that their money is safer in reclaiming the deserts of Caffraria, or in blasting the rocks of Darien, than in cultivating the fair fields of the Golden Vale of Tipperary.

To those who are accustomed to pass at all hours through the wildest districts of the West without the smallest suspicion of harm, the ideas still entertained in England of Irish insecurity are perfectly ludicrous. In the autumn of 1849, the Commissioner of the *Daily News* finds it necessary, half in jest, all in earnest, to announce to his beloved readers that he is still in Tipperary without being used as a target for rifle practice, or being pledged, after the Irish fashion, with vitriol. In the

course of this season a most interesting work has appeared, which shows how wide-spread and how strong this delusion is, and which will, we trust, go far to dispel it. "I stayed," says the author of the "Saxon in Ireland," "two days and nights in a farm-house among the mountains of Mayo, which was undefended by either lock or bolt. I have travelled on foot and on horseback unattended through wild and lonely districts after nightfall. I have passed through the midst of faction fights, and sojourned in cabins on the solitary shore of the Atlantic, and among the wild moors of the West, but never yet met with either theft, robbery, or violence—nay, not even with one symptom of incivility or disrespect."* "Thousands upon thousands," says the *Daily News*, in its review of this work, "undergo cheerfully the perils and plagues of a four month's sea voyage. They do not shrink from an encounter with the cannibals of New Zealand, or the ferocious savages of Caffraria. They prepare themselves in imagination to defend their flocks from the lion, and their crops from the elephant or hippopotamus; but they recoil from the imaginary dangers with which popular prejudice, hounded on by reckless journalists, has invested, perhaps all things considered, the most peaceable part of Her Majesty's dominions. As regards life and property, we have no hesitation in saying that Connaught is at the present time as safe as Wales, and safer than Kent or Surrey; and yet thousands of our emigrants of those classes to whom it is the greatest trial to sever themselves from old associations, and seek a new home in another hemisphere, never recollect what a fair and facile alternative they have within half a day's journey of British ground."†

But these ideas, absurd though they are, have exercised a practical and most injurious influence. We find the following remark-

* Page 292.

† *Daily News*, March 27, 1851.

able statement made by Mr. Freshfield in the House of Commons* (14th June, 1836):—"I assert most solemnly," said he, "that from 1824 I exerted all the means in my power to introduce capital into Ireland. I did so when capitalists possessed such a redundancy of money as to be incapable of finding employment for it. I did so through the year preceding the panic. I did so upon every occasion which presented a favourable prospect of attaining that object. But I did so with very limited success. My recommendations to capitalists, as well individuals as public bodies, were met with the single objection: 'While agitation is permitted to exist in Ireland there can be no security for property, and the promise of a high rate of interest will be no equivalent for the loss of the principal.' But for this agitation which has prevailed in Ireland, I am confident that this difficulty of finding investments in England would have caused capital to flow freely into Ireland, and Irish works and Irish labour would have been largely paid for with British money."

We might adduce much additional evidence to the same fact, but we will only notice one simple but very striking circumstance. In the ordinary books of precedents in conveyancing,† we find in settlements and wills, in the clauses directing or empowering the investment of money, the addition of the ominous parenthesis "*But not in Ireland.*" We do not mean to say that such apprehensions were wholly groundless; we only say that they were always grossly exaggerated, and are now, happily, no longer just. But it is of little practical importance whether disorder really reigns in Ireland, or is only believed to do so. In either case the consequence is the same. Capital has been quaintly compared to a dove—so ready is it to catch alarm, and so quick to take flight. As long, then, as a suspicion of insecurity exists, Irish capital will return to its hoard as to an

* 31 Hansard, 517.

† Davidson's Common Forms in Conveyancing, §130.

ark of refuge—English capital will fly away to New Zealand to be at rest.

We should, however, have but a very incomplete idea of the state of Ireland, if we supposed that no other causes of distress, save those which we have noticed, were in operation during the period which we have been considering. We have hitherto been engaged with the causes which checked all other industrial occupations, and threw the people altogether upon the land. We now have to inquire into the reasons why the land was so inadequate to their wants. Not that this limitation of the supply of land was distinct from, and unconnected with, the subjects we have been discussing. We are too apt to suppose that different sets of causes operate altogether independently of each other, because we are obliged to treat of them as though they were separate. Yet in reality they often, as in the present instance, are concurrent, and simultaneous in their operation. Another great obstacle in the consideration of social and political questions arises from the continual reaction of cause and effect. The incessant reproduction of a similar series renders it often a matter of the utmost difficulty to determine which is the cause, and which the effect. It is no easy matter to decide whether a man is idle because he is hopelessly poor, or poor because he is incorrigibly idle. So in the present case, when we find the causes which increased the demand for, and limited the supply of, land in concurrent operation, we cannot easily determine whether the poverty of the farmer checked the progress of the manufacturer, or whether the absence of manufacturing skill retarded the industry of the farmer. It is hardly of much consequence for our present purpose to decide the question. They obviously exercised a mutual and most pernicious influence, aggravating other causes when those causes did exist, and, when they were removed, possessing sufficient power, by their reciprocating action, materially to retard the prosperity of the country. We believe that the main difficulty of Ireland at present is the

land question, and it is therefore of the utmost importance to understand how far the law of real property, as at present established, impedes the agricultural, and, through it, the general condition of the country.

It is clear that if one man wishes to sell his land, and another to buy it, the reason for their conduct is, that it is more advantageous to the one to have the money than to keep the land, and to the other to have the land than to keep the money. What is profitable to these individuals will also be profitable to the community; and, as far as fair opportunities for realising individual profit are restricted, so far will the national wealth be diminished. The Law of Entail, as at present modified, admits of an estate being settled for any number of lives in being, and for twenty-one years after the decease of the survivor. Thus the land may be kept out of the market altogether for seventy or eighty years, or even longer. In practice, however, this period is indefinitely extended by continual settlements and re-settlements, the present owner being tenant for life with remainder to his eldest son in tail, and with power to charge for younger children. Mr. Pierce Mahoney, a most credible witness, made the following statement in evidence before a committee of the House of Commons: *—"The chief part of the estates in Ireland are in large masses, strictly and almost continuously from generation to generation entailed. Upon the arrival at age of the eldest son, it almost invariably follows that the estates are opened, a new set of encumbrances let in upon them, and then a re-settlement takes place, and so on, until they are dispersed by sales, under the Court of Chancery, to discharge the encumbrances so created." "I have known," says Dr. Longfield, † "three generations of encumbrances created by marriage settlement on one estate, and each encumbrance I have

* Quoted in Pim's Condition and Prospects of Ireland, page 259.

† Tenth Report of Poor-Law Committee, p. 14.

known to be the subject of separate marriage settlements." Let us see how this system worked before the Encumbered Estates Court was established. We will go two or three years back, and suppose the case of a proprietor, from whatever motive, anxious to sell his estate. It appears that he is only tenant for life in strict settlement, and consequently he can no more dispose of the land than he can of the Crown jewels. So much land, then, is at once kept out of the market. In the course of time, however—it may be within a few years, or it may be in nearly a hundred—the estate can be put up for sale. A purchaser is soon found, and the terms are agreed upon. The next thing to be done is to make out title. This involves an inquiry for sixty years back, and searches must be made, both positive and negative, to an endless amount. If it should fortunately happen that these are satisfactorily concluded, an immense deed of conveyance must be drawn, stuffed with recitals and other similar matters, and, to crown all, a very heavy stamp-duty must be paid. So that it is calculated that, besides the loss of time, and the trouble and vexation attendant upon the whole proceeding, 20 per cent. on the purchase money must, on an average, be added to cover the expense of transfer. But as it was as difficult to show title to one acre as to fifty, the expense fell with peculiar severity upon small properties. In a return made by Professor Hancock, in his evidence before the Poor-Law Committee, it appears that the expenses of borrowing £350 were 42 per cent., while the expenses of borrowing £30,000 were 3 per cent. A sale for £500 cost 25 per cent., and for £10,350 1 per cent. The delay in the various cases noticed in the table varied from two months to two years. Under these circumstances we need feel little surprise at the fact which the Devon Commissioners notice, and regret, that "it rarely happens that land in Ireland is brought into the market for sale in lots of a moderate or small size." This undue stimulus to large properties is increased by the strange financial

arrangements which, whether designedly or not, certainly did seriously impede the sale of land. The deeds of settlement which tied up and encumbered land were subject to a comparatively light stamp-duty, while the stamps on conveyances were enormous, and did not increase in the same proportion as the value of the property. As a compensation, perhaps, for this tax on alienation, land passes free by will or inheritance. Not so with personal property; its transfer is free; the duty is imposed on the successor. We have supposed the simplest and most favourable case; but sometimes it happens that a flaw is found in the title, and the estate cannot be sold at all; sometimes a slip may be made by the conveyancer, and the purchaser may find that he has got a lawsuit as well as an estate. The most diligent searches will sometimes fail to discover charges, and the purchaser may be obliged to go to law with the vendor to recover his money. These are no imaginary evils. Mr. Kay notices a remarkable case of the kind, which occurred to one of his personal friends, and he adds that all lawyers know that it is a matter of common occurrence. A gentleman purchased an estate after the most careful investigation, and the most accurate search for judgments. The vendor shortly afterwards became bankrupt, and went to the Continent. Before very long a mortgage for £1,200 appeared, which had never before been heard of, and the purchaser was obliged to pay it all. The difficulties connected with the transfer of land are a frequent source of litigation between the contracting parties, one seeking to get rid of his bargain, the other desiring to keep him to it. So that in fact, when a man bargains for land, he never can tell what it may cost him. "A man," says Mr. Senior, "who has agreed to sell a field for £300, does not know that he has not contracted to spend £500 in proving his title, while he who has agreed to buy does not know that he has not contracted to spend £500 in getting the title proved."

We may well suppose from what has been already said that

nothing was more difficult than to sell an estate. We shall now see that nothing was more easy than to encumber one. By a statute of Queen Anne a general registration was established in Ireland ; but, to use the words of the Real Property Commissioners, its " regulations are imperfect, and occasion unnecessary trouble and expense." Under this act the different encumbrances range in succession according to their registration, and consequently the possession of the legal estate, or of the title-deeds, is of no value. In this way, then, judgments could be obtained up to, and often beyond, the full value of the estate. The delay and expense of searches were so great that they were often dispensed with, too frequently, as in the case of the Audley estate, to the ruin of the humble creditor. Now these judgments extended to all lands of which the debtor was, or might become, possessed, and to every part of them, so that it was impossible to sell one part, and thus clear the remainder. The facility which they afforded of raising money, made judgments always a favourite security ; but there was another and a remarkable cause which greatly increased their use, so that at length they became, as they were generally described, the Common Assurance of the country. By a judicial decision on the penal laws, no Roman Catholic could hold a mortgage, but there was nothing to prevent him from holding a judgment ; and thus much money, which could not otherwise find an investment, was lent on judgments to " the Master." Little did " the Master " think, when he honoured some frieze-coated man by borrowing his money, that he was preparing the way for the Encumbered Estates Bill of 1848. There was another act also which greatly increased the injurious effects of this fatal facility of borrowing. This was the act of George II., which rendered judgments assignable. In consequence of this law, all those numerous charges which fastened on every rood of ground that the debtor might ever chance to acquire, were rendered permanent, and the money lay out on the judgment, which was considered the ordinary security

of the country. "I may mention a case," says the Master of the Rolls before the Receiver Committee, "which has occurred within the last twelve months at the Court of Chancery and at the Rolls Court, which will exemplify the inconvenience of judgments remaining outstanding. A party has obtained a decision of bad title in his favour, which I was obliged to pronounce, and which the Lord Chancellor has confirmed, in consequence of the existence of a judgment of the year 1738, which has remained outstanding on the estate ever since, that is 110 years ago, and upon which interest has been paid." It is clear that a man whose property is heavily encumbered can do but little in the way of improving the property. But the very same cause which renders him unfit for retaining the property, disables him from parting with it. We have seen how difficult it is to sell land when the owner is free; how much more difficult must it be, when a host of encumbrancers must be satisfied. The invariable result is that, after a desperate attempt to bear up, the unfortunate owner at length gives way, and application is made to the court for a receiver. He obtains his request without difficulty, and from that time forward the estate is hopelessly ruined. The receiver's sole business is to collect the rents; "*rem, quocunque modo rem*" is his motto. No matter how well he may be disposed, he cannot spend a farthing upon the estate; and to get leave from the Master in Chancery, even supposing him to be fully acquainted with the circumstances of each particular case, involves an expense of between £5 and £10 in the simplest possible case, and is liable to an absolute veto on the part of the creditor or the inheritor: so that, between the expense and the delay, it is seldom done at all, and never in time. But as the courts themselves cannot improve, so neither will they allow the tenant to do so. The only lease that can be given is for seven years, if the cause shall last so long, and even this can only be had on payment of very heavy costs. No man in his senses would go to any expense on such a tenure. It is not, then, very surprising

to find the owners of such properties becoming "perfectly reckless."^{*}

We believe that there is hardly any subject on which such an unanimity of opinion exists as on the influence of receivers. "This system,"[†] said Mr. Napier, "delays the creditor, injures at once the owner and the public, and does good only to those interested in an expensive management of the estate." "In many cases," says the author of a pamphlet quoted by Mr. Pim, "where estates have fallen under the management of the law courts, the district has usually rather resembled one which has been plundered by an enemy, than one under an enlightened Government, in a country long exempt from the calamities of war." And the Committee of Receivers express their conviction that "the present management of properties under the Courts is attended with equal detriment to the agriculture of the country and the condition of the tenantry." How the receivers succeed even in their own peculiar department, is shown by a curious Parliamentary paper. On an average of three years—and those the prosperous years of 1841, 1842, 1843—it appeared that 686 receivers had been appointed over estates whose rental amounted to £570,000 a year; that, at the commencement of that time, the arrears of rent amounted to £27,243, and at its close to £312,357. When we remember that, at the lowest estimate, £1,500,000 of the annual rental of Ireland, or about one-tenth of its nominal amount, was in the hands of these harpies of the law when the Encumbered Estates Bill passed, we may perhaps cease to wonder why "agriculture is to the highest degree defective in Ireland."

But we have by no means yet got out of the Court of Chancery; far from it. Under the existing system,"[‡] said Mr.

* See Master Brooke's Evidence before the Receiver's Committee.

† June 8th, 1849. 105 Hansard, 1312.

‡ 104 Hansard, 183.

Sadleir, "every individual who had a remote or indirect interest in the property had to be brought before the Court of Chancery in Ireland. In the course of these proceedings every fact might become the separate subject of a small equity suit, and, after a reference to the Master's Office, the selling value of the property was generally diminished thirty per cent. As many as 180 *charges* had been known in the case of one estate—a charge being analogous to a small bill in equity—to which a discharge must be filed by way of answer. When the report was made, exceptions and objections were taken to it which gave rise to a new source of litigation and expense, and even when the matter came before the Chancellor, in such a shape as to enable him to pronounce a decree for the sale of his property, a subject for bitter contest again presented itself on what were called the *notes* of the decree. The unfortunate estate was then again turned into the Master's Office. The Master, besides being a professed lawyer, an accountant, an experienced conveyancer, and a stockbroker, must be a land auctioneer. He had to settle the conditions of sale, which, in nine cases out of ten, required that the purchaser should not object to the title on account of some obscure will. The practical effect of the laws of land was to involve every purchaser of land in Ireland in continued litigation." Let us now hear the account of an undisputed case. Dr. Longfield, in his evidence before the Poor-law Committee, speaks as follows:—"We will suppose the case of a mortgage, the existence of which, and the sum due upon which, is not a matter of doubt at all; but the party has to file a bill, and he has to make frequently as many as fifty or sixty parties defendants—(I have known a greater number than that)—and every one of those must be served with a subpoena. That causes delay, and there are frequently abatements from some one of the parties dying in the progress of the suit; and, in case of the death of any of the defendants, the bill has to be filed against the representative of that deceased party;

then all the parties put in an answer, or, if they do not put in an answer, motions are made to take the bill as confessed against them. The evidence in the cause is perhaps merely to prove a deed which no one doubts; the cause is then set down to be heard, and then the whole Court appears alive with persons engaged in that cause; each counsellor has merely to open the answer and state for whom he appears. The same thing is gone through with respect to partition suits. The hearing of this cause, costing frequently £400, does not occupy one minute, and the decree is a matter of form. When this decree is pronounced, there is a reference to the Master to take an account, and advertisements are published, and every party who has an encumbrance, comes into the Master's Office and files a charge, stating the nature of his encumbrance and the amount which he claims to be due to him. There is then a discharge filed to each of those charges; the Master in the office then adjudicates upon each of those discharges and charges, and finally makes a report, declaring what are the encumbrances on the estate. Supposing the case to be a clear case (for I am taking a case in which there is no ground for litigation whatever), the cause is then set down for hearing on report and merits, and all those parties again appear before the Chancellor, by their counsel, at an expense frequently of £300 or £400 more. A second hearing of the cause takes place, which occupies about one minute more, and then a decree is pronounced, that being a formal decree for the sale of the property if the debts found due by the report are not paid; a certain time for the payment of the debts elapses, and then the debts not being paid, the solicitor for the plaintiff commences to make out title in order to sell the property, and then the real work begins, because the decree can be easily anticipated, although it takes four or five years, perhaps, to obtain a final decree."

But there is still a lower deep. Let us suppose the arrange-

ments for the sale to be at length complete. Something still remains. We shall quote a statement made by Sir Robert Peel in the House of Commons* on the authority of the victim himself:—"A receiver was appointed over the estate in 1813. The estate was sold under a decree of the Court in 1838. After most tedious proceedings and great costs, it was discovered that there was a technical defect in the title, and the purchaser was freed from the purchase. The estate was resold in 1843 under an amended decree. The present purchaser (Sir R. Peel's informant) thought that, after the previous investigation—purchasing under the amended decree—he should be safe. He paid his purchase-money into Court. In June, six years would have elapsed since he paid the money. He was not in possession, and would not be for two years more. It was discovered, on examination, that the estate was less by 1,200 acres than the quantity stated in the rental; that parts of the property stated to be fee simple were leasehold, with a power of re-entry and reservation of the royalties; that leases stated to have been made without powers were made with full powers, and were binding and valid. In 1848 it was discovered that several reversionary leases, not set out in the rental, were in existence, and were also valid. On these objections the remembrancer decided in favour of the purchaser (that is, that the sale was invalid, and the purchaser thought he was released), and reported to the purchaser that he should be released from his purchase. The vendors objected to the release. The barons decided in their favour, and reversed the decision of the remembrancer. The result had been that the purchaser had neither received the interest of the purchase-money, nor the rents of the estate. So far as to individual wrong. Now look at the social evils. All the evicted paupers of adjoining

* 104 Hansard, 914, April 26, 1849.

estates had crowded into it. In the course of the proceedings the widow of the vendor became the inheritor of the estate on the death of her youngest son. She died lately of a broken heart, without the common necessities of life. On her death fresh proceedings had to be taken, new bills filed, new decrees pronounced, and now we have to discover her heir in America. That such a system must prove ruinous to all parties—the vendors, the purchasers, the mortgagees, and the tenants—is evident. The capital I had intended to expend in the improvement of the property will all be spent in law costs, in a fruitless attempt to obtain that which was professed to be sold to me. This is not an uncommon case. Two friends of my own purchased estates, the same day as I did, under the Courts. Mr. —, at the end of four years, was forced to take what his counsel pronounced was not the title under which he bought. Mr. —, at the end of, I believe, six years, has been freed from his after most expensive proceedings, during which the tenants, I believe, have paid no rents, and have, by their lawless proceedings, endangered the peace of the neighbourhood.”

But it may be said—granting that such restrictions exist as to render the transfer of land practically impossible, still it must be the interest of both landlord and tenant to make the land produce as much as possible, and so the public wealth cannot be very materially checked. We shall soon see how mistaken this idea is. We need hardly say that the proprietors are generally deeply embarrassed—the nominal owners of a large estate, but, in reality, the trustees to their own and their father's creditors. In such a case the debtor, who often is unable to maintain his position, has not the power, and the creditor, who merely seeks to get his money, has not the will to improve. But we will take the simplest and most favourable case. We have seen that the great majority of proprietors are tenants for life, and, as

such, have but a very limited interest in the improvement of their land. Their settlements give them no power to charge the land except for the portions of younger children. The unbending feudal rule, "*Quicquid plantatur solo, solo cedit*," divests them of all control over the money when it is once expended upon the land. If, then, the proprietor has capital of his own—whether saved out of his income, or derived from other sources—he will not, in common prudence, spend it upon the land, to enrich his heir at the expense of his other children. The same motive will deter him from borrowing money for the purpose. As he has but a life interest, the only security he can give is an insurance on his life. But the payment of the interest of the sum borrowed, and of the premium on the insurance, must be a serious drain on his income, and will either diminish his own enjoyment of his property, or will prevent him from making the provision he otherwise would for the junior members of his family.

We have thus seen the impediments that exist, and we could readily accumulate evidence of their practical influence, to the making any improvements at the expense of the landlord. We shall find that the same cause prevents the tenant, however anxious he might be, from effecting any permanent improvement. The rigid old rule which we have quoted above, applies as well to the tenant as to the landlord. Why, then, should a man expend his capital when he is sure never to get it again? Suppose a tenant to have expended a large sum of money on his farm—suppose him, from some cause or other, to leave that farm—he cannot obtain a farthing of all that he has laid out. Almost identical in principle is the case of agricultural fixtures. If a man builds a shed upon his farm, he must leave it there at the expiration of his term; it will not be sufficient for him to give up the ground in the same state that he got it; that would be waste. And so the

more the property is improved, the more unsafe it becomes. It might not be worth while to take advantage of a lease made unduly (we do not speak of yearly tenants, for they would have no chance of escape), in the case of a poor barren farm, without any of the requisite buildings or improvements of any kind; but let it be well drained and subsoiled, and provided with good offices and all other requisites, and, if a flaw can be found anywhere in the lease, it will hardly be overlooked. We find the following striking passage in Mr. Lynch's "Measures for Ireland:"*—"I was very much struck by the evidence of Mr. Hevey before the Poor-law Commissioners, a farmer of 700 acres, who states, 'During the scarce seasons I took a number of labourers into my employment, and reclaimed draining about twenty acres of land; however, when it was discovered by the landlord, he took it from me and set it to another.' "I trust," adds Mr. Lynch, "that many instances of this sort are not to be found; but it is clear that without security of tenure, the tenant will only think of getting as much out of the land as he can, at the least possible expense to himself." Mr. Lynch's benevolent wish, unfortunately, does not agree with the realities of every day experience. The Devon Commission furnishes many remarkable cases of the same kind. The *Times* Commissioner, in 1845, and the *Daily News* Commissioner, in 1849, find the existence of a similar custom, and we ourselves are aware of similar cases within this very year. But, again, it may be urged, why do not landlords give leases for such a time and at such a rent as would encourage the tenant to make these improvements? The answer is very plain:—Because they cannot. The landlord would often be only too glad to make some such arrangement; but his hands are tied. A tenant for life has seldom very extensive leasing powers, and he is

generally obliged to let at the best rent; and as to agreements, he has no more power to charge the inheritance for his tenant's benefit than he has for his own. We may thus understand not only why the land actually under cultivation is far less productive than it ought to be, but why 3,755,000 acres of improveable land are lying utterly waste. On this subject, however, there exist certain special difficulties, which have been pointed out and explained by Dr. Hancock.* When land was of comparatively little value, and agriculture was less known than it is at present, waste lands were often found useful in determining the boundaries of estates. Hence probably arose the rule of law which declares that "a tenant has no right to alter the nature of the land demised by inclosing and cultivating waste land included in the demise." Times changed, but the law remained; and so at this moment, if a tenant reclaims an acre of ground, it is waste. This is no imaginary evil. There are † many instances in which the Court of Chancery has been called upon to interfere, and has with regret repressed the enterprise, which was materially increasing the value of the farm. The restriction of leasing powers has the same effect. We have seen that a tenant for life or in tail has not very extensive powers in those matters, but such as he has are confined to land "usually let to tenants." Even the statute which conferred on tenants in tail a more extensive leasing power, expressly prohibits its application to "any lease of any lands or tenements that have not been most commonly letten to farm or occupied by the farmers thereof by the space of twenty years next before such lease thereof made, nor to any lease to be made, without impeachment of waste." "This proviso, says Dr. Hancock, puts

* Impediments to the Prosperity of Ireland, page 129.

† See the cases collected in Mr. Longfield's Report on the Legislative Measures requisite to Facilitate the Adoption of Commercial Contracts respecting the Occupation of Land in Ireland, p. 26.

a twofold stop to the leasing of waste lands. First, it is impossible that such lands can be occupied by farmers twenty years before the reclamation commences ; secondly, a farmer cannot, as we have seen, enclose and cultivate waste lands without committing what, in legal language, is termed waste."

Such are the obstacles to the improvement of waste lands by the landlord or the tenant. The obstacles to their sale to enterprising capitalists, as has been so often suggested, are evident from what has been already said. It is clear that the expenses of transfer, which are so injurious in the case of cultivated lands, must act as a total prohibition to the sale of waste lands. As these have little or no value while they are waste, but are sought for the purpose of having a value given to them by subsequent improvement, it follows that the expenses of transfer would often far exceed the purchase-money. Besides, as a judgment overrode every kind of land, whether waste or cultivated, it was necessary, in selling the waste land, or a portion of it, to trace the devolution of the judgment through the various parties through whom it passed, and to get a release from the party in whom it was vested. This, until lately, was almost impossible, for it was held that a judgment creditor could not release one portion of the lands without losing the security of his judgment altogether. It has been often said that it is the duty of the Government to take these waste lands into their own hands, or, at least, to compel the landlords to sell them ; it would probably be better to *allow* them to do so.

Another obstacle to the improvement of land has arisen from the tenure of leases for lives renewable for ever. This tenure appears to have arisen out of the confiscations. The grantees of the forfeited lands, neither willing nor able to attend to their Irish estates, invented this tenure, which possessed several advantages over a fee-farm grant, and which left them the reversion in the property. No subject has given rise to a greater amount of

litigation. Mr. Lynch, in his "Measures for Ireland,"* to which we have before referred, quotes the following judgment of the late Master of the Rolls, Sir M. O'Loghlin. The passage is also cited by the Devon Commissioners, who express in strong terms their opinion of the injurious effects of this tenure : — "Every day's experience shows how very uncertain the duration of an interest under such a tenure is ; forfeitures of the right to enforce a renewal daily occur through the neglect of tenants, or the dexterous management of landlords. Covenants treated, in some cases for more than a century, as entitling tenants to renewals for ever, have been construed by courts of justice as not conferring any such right. Any person who is much engaged in the investigation of titles under leases for lives renewable for ever, will find in almost every abstract of such titles a statement of the result of one or more suits in equity for enforcing the right. The usual statement is, the right to a renewal having been questioned, it became necessary to file a bill for a renewal." Mr. Lynch† also quotes a passage from a judgment of Lord Chancellor Redesdale, which forcibly shows the great inconveniences arising from tenants with renewable leases granting leases of a similar character—a practice which, it seems, prevailed to a considerable extent. In such cases, "If the person last holding withholds payment from his immediate landlord, all the intermediate tenures may be put in great hazard." This tenure, founded on absenteeism, takes away every inducement from the landlord to reside ; he has not, and cannot have, such an interest in the property, as would induce him to improve it, and the tenants are greatly checked in their improvements by the uncertainty of the property, if improved, descending to their posterity. Mr. Lynch‡ states that one-seventh, at least, of the whole country is subject to this tenure,

* Page 73.

† Page 71.

‡ Page 72. Dr. Longfield, in his evidence, remarks that this is slightly exaggerated.

and hence we may see another reason for the defective state of Irish agriculture.

There has been one objection urged against the opinion, that our present distress is attributable to the faulty state of the law of real property, which we must not pass by unnoticed. It is said that the law is the same in Ireland as in England, yet the results are very different. If the law be in fault, why does it not produce similar effects in both countries? The objection is a fair one, and deserves a fair reply. In the first place, then, the law is, or rather was until within the last year, different. In England a man would never lend his money without getting possession of the legal estate or of the title deeds. With these he is secure; without these he knows not what debts may be before him. Consequently, if the debtor has occasion to raise a larger sum, he either borrows it from his former creditor, or else raises a sum sufficient to take up the original mortgage, and to meet his present wants. Besides this, such a charge will only affect the particular lands specified, and no others. In Ireland, as we have seen, the possession of the legal estate, or of the title deeds, was of no use, for it gave no priority. The various encumbrances ranged in order of registration, and, accordingly, new sums were raised, and new parties were interested in the land, as long as ever the estate would admit of it. Each of these charges affected the whole and each part of all property, which the debtor might at that, or any future time possess, and, as they passed readily from man to man, they were seldom paid off, but still continued to cumber the ground. We have just seen how the anomalous tenure of renewable leases operates. We may also mention the practice in England of inserting in settlements powers of sale and exchange. This practice has never been usual in Ireland, and considerably lessens the obstacles to the transference of the landlord's interest. There is, however, another and more important difference. In England there is a great demand for labour for other than agri-

cultural purposes ; and hence we do not find that fierce competition for land which is so remarkable a feature in Irish suffering. If we were to suppose the demand for manufacturing labour in England to cease, and all its population to be thrown upon the land for support, we shall perhaps find reason to think that, in a short time, its condition would not be very much better than that of Ireland. But, notwithstanding the advantages which England thus possesses, it is certain that her agriculture is very far from what it ought to be, and that great and severe distress is too frequently found in her rural districts. We find that agriculture by no means keeps pace with the rapid advancement of manufacturing skill. How are we to account for this fact, so generally admitted and deplored ? Not, surely, as some would have us believe, by the increase of capital, and the improvement of machinery. A far simpler and more probable cause lies in the restrictions upon land. Thus, then, it appears that the Irish restrictions upon land are more stringent than those in England, and consequently that the supply of land in the latter country is not so limited ; that the labour market which England possesses renders the demand for land much less intense ; and, lastly, that England has actually suffered, and suffered severely, though in a less degree than her unfortunate sister, from the unwise restrictions upon the improvement and transfer of land.

Of the evils of the Chancery system, and of these restrictions in general, we have some remarkable proofs in the working of the Incumbered Estates Court. We there find owners anxiously seeking to be freed from the incubus of debt that so long oppressed them. One-fifth of the entire number of petitions presented up to March 31st have been presented by owners ; and there is reason to believe that many were presented at their instance, or with their approbation. We there find the ever-memorable case of an estate worth £577 a year with a load of debt, composed of principal, arrears of interest, and law costs, to the incredible

amount of £167,300. That estate comprised a large tract of country between Skull and Skibbereen. "From the death of Lord Audley," says Dr. Hancock,* "in 1837, up to the present hour, instead of there being one landlord, there have been upwards of eighty encumbrancers, without whose unanimous consent no valid contract could be made with respect to this large tract of land, and of the eighty not more than five or six had any real interest, as the property could not realise more than would pay that number of encumbrancers." "Had the Incumbered Estates Act," continues Dr. Hancock, "been passed more than twenty years ago, and a petition filed when the estate first became a bankrupt in 1829—had the act been passed even twelve years ago, and a petition filed in 1839, when the bill was filed in Chancery—had a sale with a parliamentary title taken place in 1830, or even in 1840—how different would the circumstances of the district have been when the blight fell upon the potatoes in 1846!"

We have already seen the fatal effects usually attendant upon the management of an estate by the Court of Chancery. We shall now see what chance of escape an estate had, when once entangled in that net. We learn from a paper by Dr. Hancock,† that the result disclosed by the petitions filed up to June, 1849, in the Incumbered Estates Court, showed that eighty-nine cases had been depending in the Court of Equity for ten years, forty cases for twenty years, twenty-six cases for thirty years, thirteen cases for forty years, eight cases for fifty years, five cases for sixty years, and one case for seventy years.

We have shown that the law interferes to prevent, not only the

* "On the Causes of Distress at Skull and Skibbereen during the Famine in Ireland"—a paper read before the Statistical Section of the British Association at Edinburgh, August 2, 1850.

† "Statistics Respecting Sales of Incumbered Estates in Ireland:" a paper read before the Statistical Section of the British Association at Edinburgh, August 6, 1850.

free sale and transfer of land, but also all commercial contracts between the owner of land and its occupier. We have also shown that, in the absence of such contracts, the law gives undue rights to the landlord, such rights, indeed, as are prejudicial as well to himself, as to the tenant and the community at large. It now remains for us to notice the means which exist for enforcing the various rights and duties of landlord and tenant.

The first of these is the old feudal right of Distress. The circumstances from which this remedy arose, have long since passed away. There can now no longer exist any reason for preferring the landlord to any other creditor; but, besides this, the remedy of distress is so difficult and dangerous, owing to the numerous restrictions imposed by various statutes, that the ordinary result is a protracted law-suit, which leaves the landlord a bill of costs, ruins the tenant, and thus involves the loss of the rent. It too often happens that although the rent has been actually paid by the occupier, the head landlord, or some of the intermediate ones has not been paid his rent; he comes down upon the land, and much injustice is done, and no small discontent and disturbance produced. As regards the other remedies, they are most vexatious. If the landlord has a reversion in the land, he may, on a year's rent being due, bring an ejectment, the result of which is, when there is a successful termination, that the landlord, after two years' rent being due, and after very expensive litigation, is put into possession of the land, and must bring another action to recover the rent in arrear. "This state of the law," says Mr. Longfield, "have been aptly illustrated by supposing the case of a tradesman—*e. g.*, a baker, who had contracted to supply a union workhouse with bread for seven years on getting half-yearly payments, and who was compelled, on default of the guardians of the poor, to bring two actions, one to recover the debt, the other to be permitted to terminate his contract; and in this latter action was compelled to serve all the paupers who had been eating his bread, and with any one of

whom he ran the risk of further expensive proceedings being necessary, and, after all, then to be disabled for six or nine months from making a new valid contract with another union.”* If the landlord have not a reversion expectant upon a lease or article in writing, the only remedy is a common-law ejectment, a proceeding which is said to be seldom attended with success. If there be no agreement in writing, a six months’ notice to quit must be served for the day on which the tenancy commenced, and then an ejectment upon the title must be brought. In cases where the rent is under £50, a civil bill decree may be obtained, from which there is an appeal to the judge of assize; but even this is very unsatisfactory, and the expense very often but little diminished; and Mr. Longfield observes that the “chance of defeat, from the minute technicalities which must be observed, is so great, that many landlords prefer the dear, but more certain results of an ejectment in the Queen’s Bench, to the casual event of a civil bill before the assistant barrister.”† Attempts have been sometimes made to prevent sub-letting, or other objectionable practices, by penal clauses inserted in the lease. We believe that it is almost impossible to enforce such covenants. They find little favour in the eyes of judges, while juries, which are generally composed of men of the same class as the defendant, and who are, perhaps, under similar circumstances, will do everything to discourage them. “It may be broadly stated,” says Mr. Longfield,‡ “that in the ordinary class of tenancies, a landlord or tenant is without any practical remedy to enforce any of their rights save the payment of rent, and that the modes of enforcing even this first duty are oppressive and inadequate.”

We have thus endeavoured to solve the great problem—why

* Report on the Legislative Measures requisite to Facilitate the Adoption of Commercial Contracts respecting the Occupation of Land in Ireland, p. 35.

† Report, &c., p. 30.

‡ Report, &c., p. 29.

are land, labour, capital, although existing in abundance in Ireland, not united? We have seen that the unfortunate policy so long adopted towards this country prevented the growth of manufactures. We have seen that the continued dissensions in which the country, since the removal of those restrictions, has been involved, have materially retarded its progress. We have seen that the same result was brought about by the restrictions upon the improvement and transfer of land. We have seen that the landlord could not sell his land, although it was worse than useless for him to keep it; that he could not, in common prudence, improve it with his own money, nor could he raise money for the purpose. We have seen that the capitalist could not buy land, however anxious he might be to do so, neither could he invest his money in the land he had taken on lease. We have seen, too, that, while the law obstructed the sale and transfer of land, and virtually prohibited its improvement either by landlord or tenant, the only means which it allowed of enforcing the reciprocal rights of the parties, in such transactions as it did allow, were most vexatious to the one, and most oppressive to the other. At the same time the labourer, holding at will, liable, as recent occurrences have painfully shown, to be at any time ejected, and paying a rent which left him what was barely sufficient to support life, had no interest in increasing the produce of his land, when he knew that increased rent would be the probable, if not the certain, attendant of increased production. And all this private suffering and public loss arises from that "froward retention of customs," which the wisest of modern philosophers has declared to be "as turbulent a thing as innovation."*

* Bacon—*Essay on Innovations*. See also *De Augmentis Scientiarum*, lib. vi. cap. 3.

CHAPTER II.

ON THE INDUSTRIAL RESOURCES OF IRELAND.

"Ireland is endowed with so many dowries of nature, considering the fruitfulness of the soil, the ports, the rivers, the fishings, the quarries, the woods, and other materials, but especially the race and generation of men; valiant, hard, and active, as it is not easy, no not upon the continent, to find such confluence of commodities, if the hand of man did join with the hand of nature."—LORD BACON—"Considerations touching the Plantation of Ireland."

THE fertility of the soil of Ireland has always afforded to its orators a favourite theme for declamation. It was, however, much easier to "babble of green fields" than to investigate their value, and such palpable exaggerations only produced neglect. Yet when we recollect that more than two-thirds of the population are directly supported by agriculture alone, it is of the utmost importance to ascertain the real state of the case. Ireland was long devoted almost exclusively to pasturage. Even the ancients* appear to have been aware of her excellence in this respect. In the year 1727 we find an act passed under the administration of Primate Boulter to compel the occupier of every hundred acres to cultivate at least five, under a penalty of forty shillings. Large bounties on corn were afterwards given, and were not withdrawn until 1780. It seems probable that the principal cause of this great extension of pasturage arose from the natural aptitude of the country for that occupation. The rapidity and luxuriance of its vegetation have been always remarkable, and seem to have procured for it the well-known title

* M'Culloch's Geographical Dictionary, vol. ii., 36.

of the Emerald Isle. This peculiarity appears to be owing to the moisture of the climate. Although the quantity of rain that falls in Ireland is not great, it is distributed over a great many days in the year. Mr. Sullivan* has given a table of the quantity of rain which falls in several European countries, and its distribution over the year. From this it appears that while the same quantity of rain (35 inches) falls in the south of Spain and the south of Ireland, there are only 68 wet days in the year at Gibraltar, while Munster has from 220 to 250. The temperature of the country varies from 40 to 60 degrees. "Of these limits,"† says Mr. Wakefield, "the lowest is not sufficiently cold to check the natural herbage of the island, nor the highest powerful enough to parch the surface of a moist soil, or to scorch its luxuriant grasses, so that horses, cattle, and sheep attain with little care to a degree of perfection which they never acquire in other countries without great trouble and expense." The same authority notices the practical results of these influences:—"A great portion of Ireland," he observes, "throws out a luxuriant herbage, springing up from a calcareous subsoil without any considerable depth. I have seen bullocks of the weight of 180 stone rapidly fattening on land incapable of receiving the print of a horse's hoof, even in the wettest season, and where there were not many inches of soil. This is one species of the rich soil of Ireland, and it is to be found throughout Roscommon, in some parts of Galway, Clare, and other districts."‡ We may find another reason for this extension of pasturage in the condition of the owners and occupiers of land. To the tenant, whose tenure was wholly uncertain; to the landlord, whose interest was strictly limited; to the middleman, whose interest, although valuable, was inalienable, and whose habits led him to prefer an imaginary gentility

* Essay on the Manufacture of Beet-root Sugar, p. 23.

† Wakefield's Ireland, vol. i. p. 217.

‡ Ibid, vol. i. p. 79.

to honourable industry,—grazing afforded a far safer and easier occupation than the more troublesome and uncertain processes of tillage. “The tendency,” says Sir Robert Kane,* “to adopt grazing in preference to tillage agriculture, as a pursuit, is much more connected with the habits of the agricultural classes than with the nature of the soil, or the character of the climate. Mere industry has been in Ireland for many generations connected with the ideas of a vulgar and depressed caste. The possession of land with perfect idleness constituted in itself the criterion of respectability. The working of a tillage farm, even if more profitable, was thus fatal to the social position of the occupier, whilst if he kept only a herd to mind some cattle, and spent his time and money in hunting and drinking, trusting to protection for high prices, and to Providence to pay his debts, he mixed with the notables of the land, and looked down with scorn ineffable on all that savoured of occupations vile, of industry, or intelligence.”

We are not, however, to suppose that Ireland is unsuited for tillage. The highest authorities on the subject assure us that nature has on her part left nothing undone. Arthur Young† thus speaks of parts of Limerick and Tipperary: “It is the richest soil I ever saw, and as such is applicable to every purpose you can wish. It will fatten the largest bullock, and at the same time do equally well for sheep, for tillage, for turnips, for wheat, for beans, and, in a word, for every crop and circumstance of profitable husbandry.” “You must examine,” he afterwards observes, “into the soil before you can believe that a country which has so beggarly an appearance can be so rich and fertile.” Similar testimony is borne by Mr. Wakefield at a later period. “Some places,” he remarks, “exhibit the richest loam I ever saw turned up with a plough; this is the case throughout Meath in particular. When such soil occurs

* Industrial Resources of Ireland, p. 302.

† Tour in Ireland, vol. ii. p. 144.

its fertility is so conspicuous, that it appears as if nature had determined to counteract the bad effects produced by the clumsy system of the cultivators." The last authority whom we shall quote is Mr. M'Culloch, who, in his "Geographical Dictionary,"* makes the following remarkable statement: "If we deduct bogs and mountains, we believe that Ireland is about the richest country in point of soil in Europe; as a grazing country, she is probably superior to any other, and is certainly surpassed by none." Recent statistical returns confirm the opinions of these authorities.† It appears that the average produce of wheat per acre is, in Ireland, 31·6 bushels; in England, 30·0; in France, it varies from 21·5 to 29·7. In green crops the difference is even greater. In France the general average is stated to be per acre 10·89 tons; in Ireland, in 1849, it was 16·10 tons. We must remember that in 1844 Lord Devon's Commission had reported that "the practice of Irish agriculture was to the highest degree defective." We have, however, still later evidence in the Reports of the Practical Instructors, from which we shall make the following brief selections, as they show at once the existence and the neglect of great natural powers. One of them, in speaking of part of Mayo, says: "I found scarcely any attempt in this district at tillage, though the land is of great natural fertility, but greatly worn out and exhausted." In another part of the same county, we are told that "all along this line, as far as the eye could reach, the land is neglected and saturated with surface water. It presents one dreary, desolate waste that is melancholy to look at." We might mention many other similar statements, but we shall merely notice one more. After describing the utter neglect and desolation that he witnessed, the Instructor continues: "This is the more to be regretted, as the land on this Ballinahinch property on to Oughterard is capable of great improvement. It possesses

* Vol. ii. p. 37.

† See Mr. Sullivan's Essay, p. 9-11.

every advantage of sea manure, cheap labour, and a mild climate; and nothing but bad management and neglect make it the desert that it is, and the people outcasts. The shell sand in Coshleigh-bay is as good as any in Lough Foyle, yet nobody touches it, or knows it is there; while there is more sand, and seaweed lying useless along the coast, than would provide compost for the whole country." Again, we find that "the land in general is naturally fertile, and if properly cultivated would produce abundantly; but anything so bad as the system of farming pursued here cannot be imagined, except by those who had seen it."

If, then, the average produce of Ireland is such as we have stated, while the condition of agriculture in many districts is so fearfully backward, what may we expect, when the ignorant and motiveless pauper shall be replaced by the intelligent and industrious, because hopeful, farmer? What can be made of those "desolate wastes" will appear from the Report* of the Board of Works. We find many similar cases in these Reports. "On Sir Robert Arbuthnot's farm (in Co. Mayo) is to be seen a field of thirty acres, formerly a barren, moory pasture, interspersed with spots of cut-out bog. This tract was thorough-drained in a most perfect manner, and the surface levelled and ploughed. A portion was formed into heaps, and, when dry, the ashes were then spread and ploughed in. Turnips were sown on ten acres, which produced an excellent crop of well-shaped Swedes and Aberdeens, yielding on an average 18 tons per statute acre; the remainder was sown with barley. Previous to draining, this land was worth not more than 2s. 6d. an acre; its present value is at least 15s. 6d. per statute acre. Some specimens of the turnips were exhibited at a meeting of the Royal Agricultural Society of England, and created much interest." The general truth of these remarks is confirmed by the following extract,

* 18th Report of Board of Works, p. 19.

which we have taken from an excellent Dublin periodical* :—
 “The arable land of the United Kingdom, but especially of Ireland, yields scarcely one-third the return which under proper management it is made to produce. Wherever such management is pursued, 50 tons of Swedish turnips, 50 tons of cattle beet, half that weight of carrots and parsnips, 20 tons of potatoes, 16 barrels of wheat, 25 barrels of oats and of barley, 5 tons of hay, per Irish acre, are quantities little short probably of threefold the average produce; and yet these, and far greater crops have been produced, and, we have no doubt, may be produced, on an average of years, even on land of medium quality: and, with returns approaching to these, our farmers would have little to apprehend from free trade.”

From the returns to which we have referred a very important inference may be drawn; we mean the greater fitness of Ireland for green than for cereal crops. We have seen that the average produce per acre of wheat but slightly exceeds the average in France,† while in the unfortunate year 1848 our deficient green crops were far superior to the produce of the best cultivated districts of France. The moisture of our climate, though eminently suited to the growth of roots, is far from being favourable to the growth of grain. The chief manner in which this effect shows itself is in the frequent failure of grain crops. Mr. Sullivan‡ calculates the number of unfavourable years for wheat in Ireland, as compared with those on the Continent, to be in the proportion of 3 : 2. Nor is this all. Not only is the probability of failure greater in the case of cereal than of green crops, but the actual loss, when such a failure does occur, is much more severe. It appears, by the Government returns, that, in 1848, the loss of the grain crop was one-third of the entire crop, while in the

* *Irish Journal of Agriculture and Industry*, No. 7, p. 516.

† See Mr. Sullivan's *Essay*, p. 12.

‡ Page 10.

green crops the loss was but one-fifteenth. It is, therefore, gratifying to observe the steady increase of green crops. In 1849 there were 16,000 acres more under green crops than there had been in the preceding year. There has been recently an extraordinary movement in favour of the culture of flax. It appears that an annual sum of, on an average,* nearly three millions and a quarter is spent upon the importation of flax, and it is maintained that, with proper care, flax of a better quality than that which is imported can be produced at home, and thus that the whole of that large sum might be, with the utmost advantage to all parties, retained in our own country. Mr. MacAdam,† the able secretary of the Royal Flax Society, tells us that the countries most suited to the production of flax are those which possess an equable temperature, and a continued supply of moisture from spring till autumn. Flax will grow upon a great variety of soils. Sandy loam, light and heavy clays, alluvial soil, marly, peaty, or chalk soils, will all produce it well under favourable circumstances. But a mixture of sand and clay is the most suitable, and especially where the sub-soil is red or yellow clay. Of the large quantity of flax imported into the British Isles, Russia supplies about 70 per cent. The short hot summer, however, which prevails through that great country never gives a fine reed, and, consequently, though it exports from 40,000 to 50,000 tons annually, the price never exceeds £48 per ton. It is hardly necessary to show how completely Ireland answers to all the conditions which we have mentioned, but it is worth remarking that, hitherto, the cultivation of flax has been almost exclusively confined to the north of Ireland, although the south and west correspond more exactly to the conditions of a flax-growing country than the north. Sir Robert Kane remarks that the

* See Thom's Statistics of Ireland for 1851, p. 237.

† Prize Essay on Cultivation of Flax, in Journal of the Royal Agricultural Society of England, vol. viii. p. 361.

principal flax districts in all countries which have successfully cultivated the plant are to be found near great rivers, whose accumulated mud forms a most fertile soil, such as is found on the banks of the Shannon.* "Such soils," he says, "afford the most complete parallel to those districts of Egypt and Belgium which have been for ages the seats of the growth of flax. The water power at Killaloe (equal to 33,950 horse-power) places at the hand of the manufacturer the means of every mechanical preparation of the crop. The river furnishes for 200 miles the most convenient access to domestic markets, and the port places him under equally favourable circumstances for foreign trade. So remarkable a combination of facilities for industrial success is rarely to be met with." With respect to the comparative qualities of foreign and home-grown flax, Mr. MacAdam,† a most competent authority, assures us that "it is understood that, except for the very finest yarns, the flax-spinners would give the preference to the home-grown fibre. It has been exported from Ireland to France and Belgium, and for particular grists of yarn, were it generally grown in Great Britain, a considerable export might arise to these countries." "Again,"‡ he states, "The linen manufacturers have, in nearly every description of fabric, gradually taken the lead in most of the neutral markets of the world, and the continental nations are only able to sustain their home-manufacture by hostile tariffs. There can be no doubt that if home-grown flax were substituted for the bulk of foreign in this manufacture, the quality of the fabrics could be much improved, and would still further influence their sale. The duty on foreign flax was reduced about 1825, and again by Sir Robert Peel's tariff to a merely nominal amount. Notwithstanding this,

* Industrial Resources, p. 339.

† Prize Essay, &c., p. 366.

‡ Page 397.

the growth in Ireland has increased considerably since that period, as the natural quality of the fibre is so much superior to the bulk of the imports." Similar evidence is given by the Royal Flax Society :—"Your Committee," says their Report for the year 1851, "would beg your attention to a fact which cannot be too frequently enforced on public attention—viz., that, while Ireland only produces about 60,000 acres of flax, to supply the existing demand in the United Kingdom for the different products of the crop, nearly 500,000 acres would be required, and also that with the exception of a small proportion of the finer flaxes of Belgium, the entire of the foreign import could be replaced with Irish, to the great advantage of the linen trade, from the superiority of the latter. Nor in the event of a greatly-increased production of flax in Ireland is the market limited to the quantity required by the British Islands, for France, Belgium, Spain, the United States of America, and other countries, might be calculated upon as customers to a considerable extent."

Recent discoveries will probably give an extraordinary stimulus to the cultivation of flax. In the year 1847 Mr. Schenck patented a system of preparing flax by steeping it in vats of water, heated by steam to an equable temperature of 90 degrees. The great advantage of this system is, that it at once affords to the farmer a ready market for his produce. The ordinary process of steeping and saving flax involved great trouble, and required considerable skill; and as the value of the article depends upon its preparation, there was but little chance of the poor and ignorant Irish farmer being able to continue his efforts until he acquired sufficient skill to make the attempt profitable. In Belgium, factors purchase the flax in the field, and undertake all the subsequent preparation for the manufacturer. The Royal Flax Society made great efforts to introduce this practice into Ireland, but, from various causes, it appeared that the business of

the factor was unprofitable, and the laudable attempts of the society consequently failed. By the new system, however, the division of labour is fully established. The farmer prepares the ground, and pulls and saves the flax; the patentee under Schenck's process buys it from him in its natural state, and steeps and scutches it, and in his turn sells it, when duly prepared, to the linen manufacturer. Thus a ready market is at once afforded to the grower, the want of which, combined with the risk and uncertainty of the ordinary process of steeping in the open air, as well as the difficulty of managing a large quantity, all of which must be steeped at the same time, and the absence in many districts of all facilities for watering, has hitherto greatly impeded the cultivation of flax. But there is another most important feature in this new method. The Report of the Flax Society informs us that the "drying of the flax stems for Schenck's patent process necessitates the preserving of the seed, and ensures its being saved of the best possible quality. Flax seed thus saved can be employed in two ways—either for sowing again, or for cattle-feeding. There is an annual import from foreign countries into the United Kingdom of about 650,000 quarters of seed, and 70,000 tons of oil-cake made from it—value together about £1,950,000—all of which could readily be supplanted by the home-grown article; while the valuable manure which it produces would return to the soil the greater part of the substances taken from it by the plant. To meet the annual demand for sowing, about 28,000 quarters of seed would be required, at an average value of £112,000. Nor would the money value be the only advantage of producing this at home. It often happens that enough foreign seed cannot be procured to meet the demand, and while its price is so much enhanced as to place its purchase beyond the means of the poorer class of farmers, much land intended for flax is put in other crops after the import of seed has been exhausted. It is very gratifying to find that more than 6,000 bushels of

seed from the steeping concerns were sold last spring to farmers, and that the produce, as in all instances when *good* home-saved seed is used, was abundant, and generally excelled the crop from foreign seed."

It is most gratifying to mark the steady advance of the culture of flax. We find, from the Agricultural Returns, that in 1847 there were 58,312 acres under flax; in 1848, 53,863; in 1849, 60,314; in 1850, 91,040; and, for the present year, the Committee* of the Flax Society calculate that 119,454 acres have been sown.

There are two points connected with the flax movement, which are well worthy of our attention. When we see that the farmers of Ulster found that flax was a remunerating crop, on their comparatively ungenial soil, while Protection still kept up the price of grain, we may surely expect that it will succeed on the fertile lands of the south and west, now that Protection has been withdrawn. The next point shows still more strongly the healthy state of the flax trade. We find the following very remarkable passage in the Report of the Flax Society, to which we have already referred. After describing the frequent applications made to them from foreign countries for advice and instruction, it continues: "Your Committee have always freely accorded the information required. They feel that an honourable rivalry in the march of improvement cannot but prove advantageous to Ireland, and that the efforts making elsewhere are the best incentives to continued exertions at home." We know of nothing more noble than this declaration, nothing more characteristic of the enlightened and liberal views of commerce which now prevail, nothing which more clearly proves a sound, and healthy, and flourishing trade. That a country sinking under the weight of accumulated and unequalled misfortunes, should not seek to hide, with a pardonable selfishness, the secret

* *Northern Whig*, June 26, 1851.

of her sole remaining source of prosperity, but should freely acknowledge that an open and honourable competition is for the interest of all, is indeed an extent of liberality of which our fathers had no conception, and which our children may imitate, but can never surpass.

We have hitherto been considering the production of the raw material, and the stimulus given to its production by an increased division of employment, and a steady and accessible market. We shall now proceed to examine its history, when it passes into the hands of the linen manufacturer. The linen manufacture is the one great branch of manufacturing industry in which Ireland has been eminently successful. At present it is confined exclusively to the north. It is estimated that independently of those engaged in the growth of flax, this great trade gives employment to upwards of 300,000 people. There is, we believe, nothing more remarkable in commercial history, or more decisive on the vexed question of Protection, than the progress of the linen manufacture. We shall state it, not in our own words, but in those of the high authority whom we have so frequently quoted—Mr. MacAdam. “For a century,”* he observes, “there existed a Linen Board, to which important sums were voted by the English Parliament to pay bounties on the exports of linens, while heavy duties existed on the import of those of foreign manufacture. At this period the trade languished; the exportation did not exceed in any year at the highest thirty-five millions of yards. Now that this Board, its bounties and the high duties on foreign linens, have all been abolished, the export is seventy millions of yards annually, value £4,000,000.† Again, in 1825 heavy duties existed on French

* Essay on Linen Industry, quoted by Professor Hancock in his paper “On the Compulsory Use of Native Manufactures.” Transactions of the Dublin Statistical Society, vol. I.

† The value of the linens exported is stated in Thom’s Statistics of Ireland for 1861, page 237, to be £4,400,000.

cambrics, and this branch of Irish manufacture was then in its infancy. In that year, for every 1,000 pieces of French cambric sold in England, there were but 100 of Irish. The duties were reduced; and yet so much did the Irish manufacture progress, that in 1845 for every 1,000 pieces of French, 16,000 pieces of Irish cambric were sold in the English market. Again, Ireland, finding it useless to continue the hand-spinning in the face of the cheaper yarns produced by machinery in England, endeavoured herself to embark in this manufacture. In 1829 the first spinning factory was established, and at the present day this trade in Ireland counts 312,000 spindles."* A very considerable foreign trade is gradually springing up. America appears to be our chief customer. We find† that in 1849 there were exported 79,700 packages of linen; of these about 24,000 were sent to the United States, over 24,700 to South America, and 15,600 to the West Indies.

There is an important part of the linen manufacture which has recently attracted much attention. Designs of various descriptions are required for damasks, and for linens and cambrics woven and printed in patterns. The linens exported to foreign countries are ornamented with paper bands of various colours, the cost of which sometimes amounts to 2d. per yard on the value of the linen. A considerable number of hands are employed on these ornaments, but chiefly in London and Paris. It is estimated‡ that not less than £80,000 annually are sent out of Ireland for the decorations required in the different departments of the linen manufacture. It is to supply this deficiency that Schools of Design have been established. Even already the influence of these schools is felt, and several of the most

* The number of spindles in 1851 amounted to nearly 500,000.

† *Northern Whig*, April 5, 1851.

‡ See a paper on "Schools of Design," read before the Dublin Statistical Society by Mr. MacAdam, and published in the first volume of their Transactions.

elegant designs in the Great Exhibition are attributed to pupils of the Dublin and Belfast Schools of Design. In connection with the Schools of Design we may mention the manufacture of sewed muslins. This business affords employment to a great number of our females, and* it is said that not less than between £200,000 and £300,000 a year are paid in wages for this description of work. The employment is chiefly given, and the designs furnished, by Scotch houses, and many of the most beautiful fabrics which Scotland has sent to the Exhibition are in reality the work of Irish fingers. This trade, in consequence of the continual changes of the pattern, is peculiarly dependent upon design, and it appears probable that as the designs become procurable at Belfast, the worked-muslin trade will be concentrated there: if this expectation should be realised, considerable additional employment will be afforded, as all the processes, both before and after the flowering, can then be executed in Belfast.

The three other great products of the animal and vegetable kingdoms which furnish his clothing to man, have also, in various degrees, been the subject of anxious attention in Ireland. The pasturage of many districts is very suitable for sheep, and hence at an early period the woollen manufacture arose. This trade at one time formed a very important business, and so strong was it, that it was able to endure both the steady hostility, and the hardly less fatal kindness of the rulers of the country. The most probable cause of its decline was the extension of the factory system; perhaps we should more accurately say, the disturbed condition of the country, which prevented the due extension of the factory system in the centre and south of Ireland. Of late, however, great efforts have been made to revive it. The native wool is of a coarse description, and it is in the coarser articles that the Irish manufacture excels. The

finer wools must be imported, as is also the case in England. In these, too, the Irish are by no means deficient. The Irish woollens have attracted very considerable notice in the Exhibition, and we find ample acknowledgments* of the "varied and excellent quality" of the goods exhibited. The *Northern Whig*† observes that while, in the coarse articles, the Irish goods are beyond competition, they have not attained, in the finer kind, the elaborate finish, which so often is able to set off even an inferior article. On the whole, however, the success of our countrymen in this department is, so far, more than satisfactory; but the remark of the writer in the *Whig* is suggestive of much serious reflection: "the Irish have made a first-rate article undoubtedly, but they have yet to make a market."

The most striking, because unexpected, triumph of Ireland at the Exhibition appears to be her poplins. This trade was once very extensive in Dublin, but has been for a long time greatly depressed. Recent improvements and an increased demand have of late gradually revived it, and we trust that no ordinary impulse will be given to it by its present display. It appears to have taken both English and foreigners quite by surprise. "There are few contributions," says the *Illustrated News*,‡ "in the Exhibition which, as a whole, will strike the visitor more than the very admirable display of Irish taste and industry which the poplin manufacturers of Dublin have made on this great occasion; inasmuch as it is one of which they have every right to be proud, and which will do more to show that, with proper care and attention, a greater degree of development may be given to Irish manufactures than even some of the best and truest friends of that portion of the United Kingdom could have hoped for."

The cotton manufacture has never been very successful in Ire-

* See the *Illustrated London News*, June 14th, 1851, p. 569.

† June 21st, 1851.

‡ June 14th, p. 569

land. In the early part of this century great efforts were made to establish it, but without success. Even at the present day, many persons, seeing its wonderful progress in England, have eagerly sought to introduce it, and have supposed that, from the cheapness of labour and the great quantity of water-power which we possess, the speculation would be successful. It is not likely, however, that the cotton trade will ever become a leading business in Ireland. There is a remarkable tendency in manufactures to gather round a nucleus which has been once formed, rather than to branch off into new directions, even though invited by superior natural advantages. One leading cause of this peculiarity is the continual modifications of the machinery. By the time that the last improvement can be effected in the isolated establishment, some other novelty has been brought out in Manchester, and the interval remains as wide as ever. Besides, few manufactures are wholly independent. They generally require a number of attendant occupations, which a single establishment cannot support, but which naturally, and easily, spring into existence in a great manufacturing town. Ireland cannot suddenly rise into manufacturing greatness. The only sure way of succeeding in this point is to keep pace with the requirements of the people. It is absurd to hope to rival Manchester. The interests of the country will be far more effectually promoted by producing what, under all circumstances, we can profitably produce, than by distracting our attention with things which we can buy much cheaper than we can, at least at present, make.

The cultivation of beet-root has of late excited considerable attention. The success of the French beet-sugar has led to the formation of a company for the manufacture of a similar article in Ireland. We have already noticed the fitness of this country for the growth of root-crops. Mr. Sullivan,* in his pamphlet on the manufacture of beet-root sugar, has pointed out several

additional advantages which it possesses for the growth of the sugar-beet. But, even if it were admitted that the quantity and the quality of the produce of an acre of beet-root in Ireland is superior to the produce of an acre of beet in the best cultivated districts of the continent, the success of the entire scheme depends upon the possibility of beet-root sugar successfully competing, upon equal terms, with the cane sugar. The continental manufactures have sprung up under protective duties, which still, practically, continue. In the present case, the beet sugar must be prepared to compete with the tropical sugar on equal terms from its very commencement. In an address to the Royal Dublin Society,* Lord Clarendon, no mean authority on such a subject, pointed out the uncertainty of the results of such a competition, and the necessity for prudent calculation and extreme caution. "I see no reason, however," said his Excellency, "to doubt that the result will be satisfactory, or that the energy and capital which will be applied to it will enable us to overcome all those difficulties, and that the undertaking will be successful." It is hardly necessary to enter further upon this question. The company have completed all their arrangements. They have contracted for several hundred acres of beet, and are preparing to erect the requisite buildings, so that in a very few months we shall have better means for forming an opinion as to the ultimate success of the undertaking. At all events, the movement is so far in the right direction, that it is based not upon the precarious support of legislation, but upon the natural aptitudes of the climate and the soil.

Not the least important of our industrial resources is peat. Two methods have recently been proposed for its preparation and use. The first is that brought forward by Mr. J. W. Rogers, and adopted by the Irish Amelioration Society. By this method the turf is converted into peat-fuel and peat-charcoal. The latter

† *Dublin Evening Post*, April 24th, 1861.

acts both as a fertilising and deodorising agent. The bogs are first drained in a particular manner, and are allowed to settle by their own gravity: the turf is then cut with unusual facility, and in a dry compressed form. In order to produce the fuel, for which the black peat is used, it is put under a compressing machine, and afterwards, by a simple but highly ingenious process, the water is effectually removed, and the turf becomes close, hard, and heavy. In his evidence before the Parent Board of Irish Manufacture, published in the *General Advertiser* of June 7th and 14th, 1851, Mr. Rogers states that two tons of peat-fuel will do the work of one ton of coal-coke; the price of the former he estimates at 10s. per ton, while the coke averages 45s. Thus the difference of cost in favour of the peat would be as £1 to £2 5s. We cannot undertake to vouch for the accuracy of these figures; but we have been assured by a gentleman who is in the habit of using the turf, though without compression, that it has a decided advantage over coal in almost every respect. The peat seldom, if ever, contains any sulphur, while there is always a greater or less amount found in coal. Sulphur has a most injurious effect upon iron, as it renders it very brittle, and the eye cannot detect this change. Mr. Rogers states that after a long continued course of experiments he has ascertained that a boiler fired by peat fuel will last double the time of one fired by coal-fuel. The peat-charcoal, which is also prepared by a simple process, acts both as a fertiliser and a deodoriser. These qualities, although they may be separated, are far better united. The substances acted upon by the charred peat are rendered not merely inoffensive, but most valuable. When mixed with the peat-charcoal in about equal proportions, the worst abominations of the town become the best fertilisers of the country. It has been stated that the same effect is produced by turf-dust when simply dried without being charred. Whatever may be the best mode of preparation, we believe that the discovery of this property in peat is one of the most important

of modern times. The sanitary question is literally one of life and death. Upon it depends all hope of improving the condition of the working classes in large towns. There is nothing which could so directly, and so quickly, benefit the people, as if it were found that the poisonous stuff, the removal of which no ingenuity can effect, could be rendered not only completely harmless, but could be actually converted into a most valuable manure. Those who consider men as they might be, rather than as they are, may perhaps regret what appears to them a weakness, but every day's experience proves that the steadiest and most lasting motive with the generality of mankind is profit, and that the hope of gain will speedily accomplish what the most active benevolence would very imperfectly effect. It is a remarkable instance of that wonderful economy of nature to which we have already had occasion to refer, that the soil is best renovated by restoring to it the refuse of its own productions, in whatever form they appear, so that the Divine precept is literally carried out "Gather up the fragments that remain, that nothing be lost." We believe, however, that no company can secure the largest advantages to the people, nor the best remuneration for themselves. The beet-sugar, and the peat, and many other sources of wealth will never be worked to advantage, until the energy and watchfulness of individual exertions have been brought to bear upon them. Hitherto at least, Irish industry has not been much improved by the interference of companies in cases for which they are economically unsuited.

The other method of preparing peat, to which we referred, is that proposed by Mr. Reece Reece. In this case, the turf is converted into tar and water, from which the following substances are extracted:—The water which is produced from 100 tons of peat will give one ton of sulphate of ammonia, and a quantity of acetic acid equal to a quarter of a cwt. of grey acetate of lime, and 52 gallons of naphtha. The tar

produced from the same peat will yield from 300 to 350 pounds of paraffine, and 300 gallons of oil, with six million of cubic feet of mixed inflammable gases, available as fuel for the steam-engine, and for various similar purposes. Sulphate of ammonia is employed in the preparation of the muriate, carbonate, and other salts of ammonia, used in medicine, chemistry, and various arts and manufactures. It is also very generally applied as a fertilising agent. Acetate of lime is the source whence is obtained acetic, or pyroligneous acid, or distilled vinegar. Calico printers also use it. Naphtha, besides serving for combustion, and illumination, is a ready and efficient solvent of gums and resins, and is much used by hatters and varnish makers. Paraffine is fitted for the production of a most beautiful description of candles. The more volatile oil is, like the naphtha, valuable as a solvent of caoutchouc, gutta percha, and various resins and varnishes; the more fixed oil may be combined with tallow or palm-oil to make grease for lubricating machinery or mixed with common oil to produce a cheap lamp-oil. It is also convertible into the best kind of lamp-black. Many of these products of peat have been for some time known, but until very lately no means were discovered of obtaining them with profit. Even still it is doubtful whether the peat may not be more profitably employed. A company is now formed under the title of the Irish Peat Company for working out this great experiment; they have taken a considerable tract of bog near Athy, and between 400 and 500 men are already actively employed in cutting the turf while the machinery is in process of erection. Their operations will be at first confined to the production of charcoal and tar. "There is nothing," said Sir Robert Kane,* "in the industrial economy of this country which requires more alteration than the col-

* Industrial Resources, p. 38.

lection and preparation of our turf." Although the improvements which we have just noticed have been made since this passage was written, it still retains no little weight. We believe that our knowledge of the uses of peat, and of its modes of preparation is yet in its infancy. The present prospects of the peat movement seem to warrant Mr. Dickens' remark,* "If any dependence can be placed upon facts and figures, and the most intelligible arguments and deductions from scientific data, it does seem that Ireland contains the elements of a prosperity only to be paralleled in amount by her previous wretchedness."†

In proportion, however, as the importance of the peat increases, does the duty press upon us of removing all impediments which the law may present to the development of so important a branch of our industrial resources. Dr. Hancock‡ mentions a remarkable case which occurred some years ago in the north. A flax-spinner wished to erect a mill in the vicinity of a bog for the purpose of using turf as fuel for his steam-engines. The landlord, who saw at once the

* Household Words, vol. ii., p. 348 ; from which the account of Mr. Reece's method (said to be furnished by himself) is taken.

† Sir Robert Kane, at the desire of Lord Clarendon, has recently investigated the chemical products of Irish peat, and reports that "the statements made as to the quantities of those bodies obtainable from peat, have not been exaggerated, and indeed are such as should immediately be inferred to be obtainable from a body of its constitution, compared with coal and wood." As to the question regarding the profitable character of the undertaking, the Report finally says :—"Although the excessive returns stated by the proposers of the manufacture may not be obtained, it is yet probable that, conducted with economy, and the attention of individual interests, the difficulty connected with so great a complexity of operations would be overcome, and the manufacture be found in practice profitable ; and certainly it must be regarded as of very great interest and public utility that a branch of scientific manufacture should be established, especially applicable to promote the industrial progress of Ireland, by conferring a commercial value on a material which has hitherto been principally a reproach, and by affording employment of a remunerative and instructive character to our labouring population."

‡ Impediments to the Prosperity of Ireland, p. 85.

advantage which such an establishment would be to his property, offered very liberal terms, which the flax-spinner accepted. On a reference, however, to his legal adviser, it appeared that the landlord was altogether precluded by his settlement from carrying out the proposed arrangement. The consequence was that the mill was built elsewhere. "It is in vain," says Dr. Hancock, "to teach the people that turf is cheaper than coal, if the law will not let mills be built in turf bogs. It is in vain to tell the people that it is their fault if they have not employment at mill-spinning like their neighbours, when the law stops the erection of mills."

The Irish fisheries have been often referred to as a source of great national prosperity. It is well ascertained that the seas along the various coasts of Ireland abound with fish of the most excellent quality, and it has been often urged that the people can never be in actual want when such food is at hand. We believe that grave mistakes exist on this subject. Mr. Laing* has well observed, that the number of men employed in fishing depends not upon their proximity to fishing-banks in the sea, but to the markets in the country behind them. It is a convincing proof of the errors about the fisheries, that the famine diminished the number of persons employed in the fisheries by about one-third,† and that this reduction took place almost, if not altogether, upon the western and southern coasts. This arose partly from the poverty of the fishermen themselves, but still more from the utter annihilation of the market for fish. The people were in the habit of using fish as a secondary, not as a primary article of food; and thus when they could not procure the actual necessities of life, they were much less able to procure the comforts. Besides, although fish was an agreeable and wholesome food with the potato, it was very different when used with Indian meal; so that those who could still have afforded

* Observations on Europe, p. 51.

† 17th Report of the Board of Works, pp. 45, 46.

to buy it, gave it up as useless when the potato disappeared.* It is remarkable, however, that notwithstanding the excellence of her own fisheries, Ireland even still affords the best market for Scotch fish. It appears † that one third of the whole export from Scotland of herrings, and nearly one half of that of round fish, is sent to Ireland. The cause of this strange fact seems to be the want of cheap and rapid means of transit from the western and southern fisheries, and that the fishing business has never been carried on as a regular mercantile speculation. Hitherto at least, it appears that the western fisheries are, under all the circumstances of the case, unable to compete with regularly established businesses. Yet there is good reason to hope that as a steady home market in the west arises, and as facilities and cheapness of carriage increase, the fisheries may be conducted on sound mercantile principles, and may afford a profitable investment for capital and skill; we may then supply altogether our own market.

The History of the Irish Fisheries is remarkable. Bounties were given without effect in 1767, and afterwards in 1819. In 1830 they were abolished, and in 1845, before the commencement of the famine, the number of persons employed in the fisheries had increased from 64,771 to 93,073. Many attempts were made during the famine to induce the Government to undertake the working of the western and southern fisheries, but happily without success. It is curious to observe how different the advice given by the Board of Works in 1849, is from that which, thirty years before, led to the establishment of bounties.

* Mr. Joseph Bewley, one of the Secretaries of the Central Relief Committee of the Society of Friends, in his evidence before the select committee on Poor Laws of the House of Lords, 1849, gives a striking illustration of this statement. He says (Question 9,510):—"Herrings taken in large quantities near Cork were, at one time during the prevalence of the famine, found absolutely worthless. The people would not buy them because they had not potatoes to eat with them."

† Thom's Statistics of Ireland for 1851, p. 239.

In their valuable Report,* the Board merely recommend the preservation of order, the erection of public works such as piers, and the giving special industrial education in some of the existing establishments; and they declare that they look with confidence, as the best means to the improvement of the fisheries, to the extension of railways, the erection of curing-houses, and the removal of all legal restrictions from land, so as to admit of the application of local capital. "The articles,"† they say, "now being produced at some of the curing establishments, we are enabled from observation to pronounce to be of the very best description; and as the parties engaged will no doubt make their arrangements with the energy and watchfulness of private speculation, and avail themselves of the offers liberally made by Mr. Bianconi for the cheap carriage of fish, and which we hope to see also made by railways and all other carrying companies in the country, we have no doubt that an ample market may, and will, be established throughout the country for the produce of these stations, and will be proportionately increased with every advance in the general prosperity. If, in addition to this, any existing prohibitory duties in foreign countries, or laws affecting our commerce in this article with them, can be removed, whereby a new, vigorous, and wholesome stimulus can be given to this trade, we cannot point to a more natural or valuable field for enterprise, and the revival of self-supporting industry, than that afforded by the fisheries of the whole western and southern coast of Ireland, if steadily and judiciously followed." ‡

* Page 47.

† Page 53.

‡ Since this Essay was written, the Report of the Board of Works for the present year has been published. We extract their account of the progress of the fisheries (p. 66):—"In the great and commercially important matter of the deep-sea fisheries of Ireland, we regret that we can report but little advancement as yet from the state of depression resultant from the distressed state of the country, notwithstanding the proof afforded by the experiments conducted by this Board in the establishment of curing-stations in remote localities, the excellence of the article

The principal Irish mines are of iron, copper, and lead. The chief mining operations, we believe, are those carried on by the Mining Company of Ireland. It was lately stated at a meeting of this Company that their affairs were rapidly improving, and that there was every prospect of their soon attaining a still more flourishing condition. The value of the Irish iron has been long recognised. Mr. Wakefield* quotes a passage from Mr. Wallace, in which he declares that "in no country in Europe is better iron to be met with than Ireland, for all common purposes to which the metal is applicable." Great hopes have also been excited from the discovery of coal and iron mines at Clonmore, in County Mayo. Several specimens have been sent

produced, and the small amount of capital necessary for the trade; but few, if any, persevering efforts have been made to establish the trade, and thus form a sure foundation for future success in the fisheries. Each year's experience confirms the opinions expressed in our former Reports, that the prosperity of these fisheries must rather arise out of individual enterprise than through the machinery of joint-stock companies; and with the great reduction which has taken place in the coast population in the vicinity of the best fishing grounds, and the consequent reduction in the number of boats and people employed in the fisheries, as detailed in the Returns annexed to the Report of the Inspecting Commissioners, we can only hope, notwithstanding the abundance of fish in the adjacent seas, for the establishment of this branch of trade with the return of prosperity and confidence in other pursuits, and especially in those connected with land and internal communications. The increased facilities afforded by railways, as they extend, and steam navigation, are, as we anticipated, improving the fresh-fish markets; and we look forward with great interest to the results which the opening of the railway to the west of Ireland will produce in this respect. When, by its means, a central and remunerative market shall have been established at Galway, we have little doubt that, in the natural course of trade, improved boats and modes of fishing will be adopted throughout a great extent of the western coast, and the efforts to supply the fresh-fish market will soon produce a surplus, which will create a demand for the energies, skill, and capital of the curer."

The returns alluded to in the above extract show a decrease in the returns of 1850, as compared with those of 1849, of 491 vessels and boats, and 5,305 men and boys.

* I. 723.

to the Exhibition,* and have attracted much attention. Even if the coal were to fail, there is at hand an ample supply of peat. The ore is said to be very pure, and of such a quality as would fully supply a steel-factory. We believe, however, that there is reason to apprehend that the value of this discovery is over-estimated; however, the property is in the Incumbered Estates Court, and a new purchaser will probably soon test its real worth. In the Leinster and Connaught coal-fields Sir Robert Kane,† after some elaborate calculations, assures us that the ores are equal, and even on an average superior, to those generally employed in Great Britain. The iron-stone of Kilkenny is but little inferior to that of Arigna, whilst the ores of Lough Allen attain a richness in iron only equalled by the black band iron-stone of Glasgow. Some specimens of iron from Arigna, made from charred peat, have been sent to the Exhibition. The *Illustrated News*‡ observes that “the quality appears good, but the economy of the operation is still doubtful. The ores are rich, yielding as much as 40 per cent. of iron. Coal exists in the neighbourhood, but it is not of an excellent kind; and the cost of the ton of iron manufactured in the locality must be reckoned as not much under £4, a price too high to promise much success at present.” We should hope that this account is over-stated. Sir Robert Kane§ declares, as the final result of his investigations, “that cast-iron of the best quality can be obtained at Arigna at an expense of production probably falling sensibly under, but certainly not exceeding £3 3s. per ton.” Several attempts have been made by English Companies to develop the Irish mines. Some of these were mere bubble speculations, and brought much discredit upon mining operations in this country. Others were *bona-fide* attempts although

* Journal of the Exhibition.

† Industrial Resources, page 173.

‡ June 21st, p. 593.

Page 151.

they proved unsuccessful. "It is not difficult," says Sir Robert Kane,* "to see why they failed; the causes were ignorance of the country, and want of economy. Thus to work a coal-mine in Ireland, an overseer and miners are employed who know perfectly how coals are worked at Newcastle, and who bring over steam-engines and gins, on a scale proportionate to the English beds, but totally unfitted for the localities of our coal-fields. The natural disadvantages are heightened by the want of adaptation on the part of the system pursued: the overseer is not himself vitally interested; his employers are at a distance; and under such circumstances it need not be a matter of wonder that the concern does not pay."

There have been also other causes which presented serious impediments to the extension of mining enterprise in Ireland. The general difficulties connected with the law of landed property to which we have already referred must have always obstructed mining industry: and this pressure was so strongly felt that an attempt was made in the Irish Parliament to give some relief by enabling tenants for life to make leases under certain restrictions; amongst other matters, it was enacted that coal-mines might be leased for 41 years, at a rent of 2d. per ton of coal. In other mines the leases could only be given for 31 years, and the rent was not to be less than one-tenth of the gross produce of the mine. The consequence of these restrictions was totally to prevent the working of many mines, and to cause many disputes between landlord and tenant. It appears from the statement of a very high authority on this subject, that the limit of rent was more than double the average rent of the copper-mines in Cornwall. There was another restriction which Dr. Hancock† has pointed out, that if not worked within one year after the lease was granted, or if, at any time during

* Page 411.

† Impediments to the Prosperity of Ireland, p. 136.

the lease, six men are not employed for 150 days, the lease should be forfeited. The state of the market is sometimes such as to render it unprofitable to work the mines continually ; and in all matters of dispute between the landlords and lessees, this rule must have aggravated the disagreement ; for if the landlord could, by exercising his strict legal right, make the working of the mine unprofitable to the lessees, the works would fall into his hands. However, by an act passed in 1848, the power of leasing has been extended to 41 years, and the unwise limitation of the rent has been removed. The removal of these legal restrictions was effected in good time. Geologists had long been aware that parts of the west of Ireland presented every appearance of great mineral treasures, but it is only gradually that their value is becoming known. Several mines, chiefly of lead, but also of iron and copper, have been lately discovered in Connemara. In some cases they have been worked with very considerable success. An experienced chemist who analysed several specimens obtained from these mines, has informed us that the lead is a sulphuret of lead, containing 86·6 parts of lead, and 13·4 of sulphur, with about 12 ounces of silver per ton of ore. The iron is a bisulphuret of iron, containing 46·7 of iron, and 53·3 of sulphur. We have not heard the analysis of the copper ore, but we understand that it is a protosulphuret of copper in a very pure state. It is difficult to understand why these metals should not be reduced and refined at home. All the requisites for such operations exist in abundance. There is an unlimited quantity of peat and lime in the neighbourhood, admirably suited for the purpose. There is an ample supply of water-power, which might be made available for rolling and otherwise preparing the iron. In order, however, fully to understand the economy of such a manufacture, we must consider the conditions under which some other valuable products are obtained. There is an immense supply of sea-weed along the western coast ; a small

quantity of kelp, prepared from this, has been for some time back exported to Glasgow. From want of proper skill this kelp has been generally made with an utter disregard to economy; when properly prepared, however, it contains many very valuable substances; it yields iodine, bromine, muriate of potash, sulphate of potash, chloride of sodium, with traces of carbonate of soda and potash. All these are of very considerable value for medicinal and other purposes. But there is still more. After these products are obtained, a considerable quantity of salt is left as refuse, while the remainder of the kelp, containing all its phosphates, after the elements prejudicial to vegetation have been removed, forms a convenient and useful manure. From the sulphur, which we have before mentioned as being the refuse of the sulphureted minerals, when smelted, oil of vitriol can be produced. This is an article of great importance, as it is the primary agent in obtaining almost all the other acids, by disengaging them from saline and other combinations. We shall now see what the refuse of these sulphureted minerals, and the refuse of the kelp, when combined, will give us. Oil of vitriol and common salt form sulphate of soda, and muriatic acid. Muriatic acid, in addition to many other uses, is the chief ingredient in the production of bleaching powder. Bleaching powder is used in very many chemical manufactures, especially in the manufacture of paper. An immense demand exists for it in America, where it is imported from Glasgow, at £13 a ton; a considerable local demand would also exist, which would be largely increased by the repeal of the oppressive duty on paper. Sulphate of soda may either be crystallised as glauber salts, or turned into soda-ash. Soda-ash forms a staple trade with America; it is largely used in the manufacture of soap, glass, and paper. It may also be converted into the protocarbonate and the bicarbonate of soda, or in other words into washing-soda, and bread-soda. No attempt has been as yet made to work out this extraordinary

chain of natural gifts, in which not the least remarkable feature is the utter absence of waste. One house only in the west of Ireland, as far as we know, that of Messrs. Bullock and Co., of Galway, has undertaken the working of the kelp, and several of their products, as shown at the Great Exhibition, seem to have attracted very considerable attention. Yet this enterprising firm, by being obliged to confine themselves to the products of kelp, have left unwrought the most valuable part of this yet unexplored mine of wealth. We cannot say that we have exhausted the subject, but we believe that we have said enough to show that the long-neglected West bids fair to become the seat of a great and important chemical manufacture. What incidental advantages it has recently gained, we shall let the Board of Works* describe :—"A continuous line of navigation is made, of about fifty miles from the sea at Galway to Maam in Joyce County, and by Cong to Ballinrobe, and within a few miles of Castlebar in Mayo. Combined with these objects of navigation, and the drainage of extensive tracts of low lands, is a very important measure of improved manufacturing power at Galway applied for under the provisions of the Drainage Acts by the parties possessing the water-power at present existing, the project involving the remodelling and increasing nearly all the mill-sites in Galway, and the formation of new sites, to nearly all of which it is proposed to make available the full fall between Lough Corrib, and the level of the sea, by means of main conduits on each side of the River Corrib, whereby each millowner may draw his supply of water directly from Lough Corrib, which contains an area of 43,480 acres of water. Looking to the natural position of the place as the great terminus for the important line of railway from Dublin to the west, and as the natural market-centre for the vast extent of country round it on every side, but especially to the north-west, it appears difficult to set a limit to the advan-

* 17th Report, p. 40

tages of opening the great natural navigation of the lakes in question, with the important manufacturing power thus contemplated to be conferred on Galway, taken in combination with the extensive measures of drainage in the various adjacent districts."

Several curious cases of what might be called natural manufactures occur throughout Ireland. Substances are found in a natural state, which are generally obtained by artificial means. Much of the iron is, we believe, of such a quality as to be equivalent to steel. We have already noticed this peculiarity in the case of the Clonmore iron, and it is said to be true of that obtained at Arigna, and in other localities. An ore of antimony is found in Clare, which consists of sulphuret of antimony united to sulphuret of lead; by a remarkable natural combination,* the two metals are united in precisely the same proportions as they are in manufacturing printing types; so that this ore, when smelted, should give a natural type-metal. A formation of true alum slate presents itself on the west coast, to an extent of nearly forty miles along the coasts of Clare and Kerry. It is said to be the most extensive in Europe. After noticing some exaggerated accounts of this locality, Sir Robert Kane† declares that "the general characters of the district are decisive as to its capabilities for all the branches of the manufacture of alum and copperas. The abundance of turf and coal makes fuel cheap, while the Shannon, by which it is intersected, gives it communication with the interior of the country, and affords the most favourable means of access to domestic and foreign markets."

We believe that the manufacture of china-clay has never yet been attempted in Ireland, although the materials exist in abundance. Sir Robert Kane‡ states that he possesses masses

* Industrial Resources, p. 223.

† Ib. 230.

‡ See Industrial Resources, p. 231.

of decomposed granite from Mourne, perfectly similar to the china-claystone of Cornwall. In several places, among others Kilranelagh, near Baltinglass, kaolin of fine quality has been obtained. Deposits of very pure clay are found in Roscommon, on the shores of Lough Rea. Inferior clays are found in almost every county in Ireland. We may observe in this case, as in so many others, the impediments which the law presents to the development of industry; for we find that the digging for such clays for bricks, or other similar purposes, is waste. The removal of such obstacles is of great importance at present, for a new and kindred branch of industry is just starting into existence. We mean the manufacture of draining-tiles. In 1846 there were but two establishments of the kind in Ireland. In 1849 there were forty-seven. Many new ones are in progress, and the quantity and quality of the tiles are steadily improving as the manufacture becomes better understood. Some of these tiles have been exported to Scotland, where they are considered fully equal to the best tiles of Scotch manufacture. This great impulse is chiefly due to the extensive draining operations under the Board of Works. The supply of the manufactured articles has been found to react upon the demand which produced it, for it is stated* that "it is nearly impossible to carry on thorough draining to any extent without tiles, as, independent of the greater speed, cleanliness, and facility of superintendence in tile draining, the saving of horse-labour and carriage is to be borne in mind, one good cart-load of tiles being nearly sufficient for the drainage of a statute acre, while probably twenty-five cart-loads of stones would be required to effect the same object."†

* 18th Report of Board of Works, p. 18.

† The latest information on this subject is contained in the following extract from the 19th Report of the Board of Works (1851), p. 8:—

"The preference of pipe-tiles to broken stones, as a conduit for the

The marbles of Ireland are particularly fine. At present they are worked only at Galway, Kilkenny, and Carlow; although there is scarcely a county, as Sir Robert Kane has observed, which does not afford specimens of greater or less excellence. The black marble of Galway bears the highest reputation for the absence of white specks, its jet black colour, and the large sizes that can be obtained. Large quantities of it are exported to London. The Kilkenny marble is also greatly admired. It is a beautiful black, interspersed with white marks of fossils of varied forms. The green marble of Connemara has been often noticed, but though very beautiful, it has not been much used. It is thus described by Mr. S. C. Hall :*—
 “Precious serpentine of various shades of green and yellow, often mottled and striped, is intermixed with the white and rose-coloured limestones, and very beautiful marble is thus produced, precisely the same in the structure and appearance as the *verde antico* of Italy, and undoubtedly the richest and finest ornamental stone yet found in these kingdoms. The most beautiful varieties occur at Ballinahinch and Clifden, where extensive quarries are unhappily but partially worked.” The legal circumstances of these estates have hitherto seriously interfered with the working of the marble quarries; these obstacles will soon be altogether removed, but we fear that the expectations generally

water, is rapidly gaining ground, and is proved by the great increase which has taken place, not only in the number of tileries which have been erected, but also in the amount of sales at nearly the whole of those which had been previously established. We may also mention that the tiles at present manufactured are very superior to those at first produced, both in the accuracy of the moulding, and perfection in the burning. In consequence, the greater portion now manufactured are equal to the best hitherto imported from England; and some, particularly those from the Florence Court Tillery, belonging to the Earl of Enniskillen, are fully equal, if not superior, to any hitherto produced in the British Empire, and orders for them have been received from Scotland.”

* Tour in Ireland, p. 462.

entertained on this subject, and such as Mr. Hall appears to encourage, are at least exaggerated. We have been assured by a highly competent authority on the subject, that the Connemara marble does not sell. It is exceedingly brittle, and difficult to polish, and is inferior in colour to the Genoa marble. We believe that a considerable quantity has been lying in London for several years, quite unsaleable. The same gentleman is of opinion that the Donegal white marble, even supposing it to be easily accessible, and the white marble of Ireland generally, can never compete with the marble of Carara. We must not omit to mention the slate quarries of Wicklow, Valentia, and Killaloe. The slates, particularly in the latter, are of the very finest quality, and can be had of almost any magnitude. Flags of a very superior description are found in Clare, and it is from these quarries that the flags have been taken which are used at the entrance of the Crystal Palace.

It now remains for us briefly to notice the advantages which her geographical position confers on Ireland. A glance at the map will at once show that our island is admirably placed for communication with Spain and the Mediterranean. At one period a great trade existed between Spain, and the western parts of Ireland. But of far greater importance at the present day is the fact that Ireland stands in the very highway to America, forming as it were the connecting link between the old world and the mighty energies of the new. Great attempts have lately been made to transfer the American Packet Station from Liverpool to some port on the west of Ireland. From Halifax to Galway is a distance of little more than 2,000 miles, and when railway communication is established, as it probably will soon be, between the former city and New York, the communication between the two countries may be effected in six or seven days. At present, however, the question lies between the comparative merits of Liverpool, and of one of the western ports, in going to New York direct. The Packet Station Com-

missioners state that Galway (the port which they prefer) is 282 miles nearer to New York than Liverpool. Taking eleven miles an hour as the average speed of the packets, they find that Galway has an advantage of upwards of twenty-five hours, and on the whole, after taking into account the remainder of the journey, they say that a traveller will reach Liverpool *via* Galway about ten hours sooner than if he went by long sea. There appears to be an obvious error in this calculation. It assumes that the rate of speed between Liverpool and Galway will be the same. This assumption is incorrect. The actual economy of space does not represent the economy of time. In steam navigation, the speed* is greatly retarded by the depth to which the paddles are sunk, from the quantity of coal which is taken in at the commencement of the voyage. A vessel sailing from Galway would require coal for at least twenty-five hours less than if she went from Liverpool, and would therefore gain proportionably in speed. It is generally supposed that the saving of time would be much greater than the Commissioners calculate. It is probable that there would be a difference of at least two days. There are two other advantages of great importance which the western ports of Ireland possess, as points of embarkation for the south of Europe and America. They are thus stated by the present distinguished hydrographer of the Admiralty: "The first object of vessels bound to the Mediterranean or West Indies, on the supposition of an adverse wind, is to get far enough out of the Channel to be able to adopt either tack without fear of the land, for when it blows hard, no ship can work to windward without sufficient room to make long stretches, and to take advantage of the change of winds and tides. The next object is, when once fairly out, to gain sufficient westing to fetch round Cape Finisterre. Now by sailing from a port on the west

* See Sir Charles Lyell's "Second Visit to the United States," Vol. II. p. 371.

of Ireland both these objects are secured." There is also this important circumstance, that the course from Galway is much less liable to be impeded by ice, than to the south. It is well known that in summer time great masses of ice are floated down from the north; until they reach a certain part, where the force of the gulf stream has abated. It is ascertained that from fifteen to twenty degrees are comparatively clear, and a vessel sailing from Galway would pass through a much larger portion of this clear space, than one sailing from a southern course. It is also observable that the Channel navigation is the most inconvenient and hazardous of the entire voyage; and no trifling security would be gained by getting out at once to sea. Besides the saving of time and of risk, there would probably be a considerable saving of money. It is hardly necessary to point out the general advantages which would result from an increased facility of communication between the two countries. Some of its effects upon the Irish trade will require more particular notice.

It was till a comparatively recent date the practice of the British merchants to consign their manufactured goods for sale on commission to the great houses in New York; and consequently goods were frequently sent quite unsuited to the market. At present their customers come over, and select for themselves what they want. Cash or bankers' bills are given at once in payment, and thus the manufacturer saves the commission, and avoids the risk. We believe that the advantages of personal intercourse with their customers, in ascertaining what is likely to suit their tastes, and suggesting various improvements, are fully recognised by the manufacturers. It is evident that the number of commercial travellers will increase, in proportion as the time, and risk, and expense, of the journey diminish; and this benefit will be felt by all the great towns of England in a greater degree than by Ireland, in proportion as their commerce with

America is greater than ours. But to the Irish trade the question is one of special importance. The American travellers have generally had enough of the sea by the time they have reached Liverpool, and on their return from the Continent, whither they proceed to complete their purchases, they have no time for a visit to Ireland. Thus the Belfast manufacturer is deprived of these advantages of personal intercourse with his customers, which the English manufacturer appreciates so highly. We find that this difficulty seriously affects the linen trade, and it was lately emphatically declared* that "there is something radically wrong in the system of consignments." But this is not all. The Belfast manufacturers are paid for their goods by the Americans in bills of exchange at sixty days' sight, drawn upon English houses. Two days are required for those bills to reach Belfast after the arrival of the American mail, and two days more are lost in sending them back for acceptance, thus involving a loss of four days' interest upon all sales. It would be curious to estimate the amount of this sum; it certainly must be in the gross a heavy tax. They often, too, receive orders for goods to be shipped by the next packet, or letters which require an immediate reply, both of which are at present almost impracticable, and thus the trade of Belfast is placed at a serious disadvantage as compared with that of England and Scotland. All this could be obviated, if the mails were delivered, and passengers landed, at a western port. The Belfast merchant would then get his letters about the same time that the English got his; and travellers could then visit the Irish houses, and after making their purchases, arrive in England just as soon as they would have done if they went by long sea.

It should be always remembered that it is not to foster

* *Belfast Mercury*, June.

a possible, but non-existing, trade, that the Western Packet Station is sought. The linen trade is as healthy, and as prosperous, as any other trade in the empire. We have already noticed the large export of linens to America and the West Indies. Another remarkable fact shows how extensive and important the correspondence is between America and Ireland. It was ascertained by the *Daily News* that out of 73 American letters, 9 are for Liverpool, 34 for other places in England and Scotland, and 30 for Ireland. At the same time, there appears to be good reasons for believing that the effect of the increased communication between Ireland and America, would be not only to extend the trade already existing, but to call into being other sources of profitable employment. The chief object of the American travellers in visiting the Continent, is to purchase fancy articles of various kinds. In these articles the chief part of the cost is labour, and with labour so cheap, as it is in the south and west of Ireland, it is highly probable that a trade in these articles would quickly spring up. In those cases in which our countrymen have entered into competition with the foreigner, the results are most gratifying. The sewed muslin manufacture, which used to be confined principally to France, Switzerland, and Germany, now gives employment to 300,000 Irish females. The labouring population, within twenty miles round Belfast, are now engaged in weaving the light fabrics of cotton that used to be made extensively in Switzerland. The following extract from a letter of a highly-intelligent Belfast firm, will further illustrate these statements:—"Twenty years ago nine-tenths of all the linens imported by Mexico, the South American, some of the West India Islands, and a considerable part of those received in the United States, were made in France, Germany, and some heavy styles in Russia; now we have almost the total supplying of these markets. In the cotton trade, in which we are engaged, there were only 10,700 weavers in 1825; now

there are nearly 40,000, and more are required. The sewed branch formerly occupied only a few hundred women; now, it is said, upwards of 300,000 are engaged. In the two latter descriptions we surpass the French and the Swiss; we are beating them out of the field, and are getting considerable orders from the Continent. In Spain we have an agent ourselves, and several of our Belfast houses have agents, or branches of their establishments, all over Europe." *

Emigration has become the subject of an important business in Liverpool; although it cannot continue in its present state, it will always be of considerable importance. The great bulk of emigrants are from Ireland. It seems strange if means cannot be devised of drawing the most of these to the western ports.

The Report of the Packet Station Commissioners is unfavourable to changing from Liverpool, and it is very questionable whether, without the contract for the mails, which the Cunard Company at present possess, a line of steamers between Galway and New York would pay. We have already referred to one serious error in the Commissioners' Report. Several of their other reasons are equally invalid. They speak of the objection to the transhipment of goods, but the question at issue referred to the conveyance of the passengers and mails. They say that a pier would be required at Galway which would cost £120,000, a small fraction of the sums that have been squandered on many of the English harbours, and even this pier, it is said, would be constructed, if necessary, by private enterprise. The various objections urged against the different western ports must be considered as merely comparative; we believe that the very worst of the nine is confessedly superior to Liverpool. If the question referred to the establishment, and not to the change of the packet

* Letter from Messrs. J. and J. Kennedy, to Rev. Mr. Daly. Report of the Transatlantic Packet Station Commission, p. 46.

station, there would be very little difficulty in the matter. It may be that the Commissioners are so far right that a change in the packet station at present would be premature. That it will come some time or other, we imagine there can be little doubt. The gifts of nature may be neglected, but cannot be altogether destroyed by the errors, or the short comings of man. Still we must have patience. The advantages of the packet station, however important, are far from being the greatest which we ought to enjoy. Ireland will never gain the full advantage of her geographical position, until the facilities she affords for manufactures have been made available; and her manufactures can never be extended as they ought, until there is a surplus from the land after supporting in comfort our own people. It is to the land, therefore, that we must in the first instance look. Both abstract reasoning and experience seem to indicate that the march of civilisation is from the country townwards, and not from the town countrywards. It is not likely that Ireland is an exception to this or any other fixed principle. When our people have been sufficiently supplied with food, they will soon begin to think of something else; and the cheaper and more abundant they can get their food, the larger surplus will they have to expend upon the comforts of life. Manufacturing industry, and in its train increased communication and a more extended market will spring up, not as the cause, but as the effect of our improved condition. Mr. Laing* observes, that Ireland is too late in the field for success in manufactures. It is certainly true that we cannot, with one great exception, successfully compete in the foreign market with the long established manufactures of more fortunate countries; but Ireland is not too late to raise a new market for herself, to create a home demand†

* Observations on Europe, p. 53.

† The following statement of Mr. Mulvany, a resident engineer under the Board of Works, in some degree confirms these views. "I have already stated that fully nine-tenths of the cost of the works is expended

which, as in the case of the tileries, would call into action her latent capabilities. There is one way, and one way only, by which this can be effected. Fortunately, it is not very complicated, or very difficult. We must try with Ireland the same system to which Adam Smith attributes the rise of all the manufactures of Europe. We must afford to industry "the only encouragement which it requires, some tolerable security that it shall enjoy the fruits of its own labour."

in cash in their immediate neighbourhood. The only articles purchased in distant places are foreign timber, iron and steel, powder, and such machinery as cannot be procured in the neighbourhood. Tools of all descriptions, such as wheelbarrows, spades, shovels, picks, hammers, &c., are made in the country, instead of being, as they were necessarily in the first starting of these works, purchased from manufacturers in Dublin or elsewhere. There are two small iron factories in the neighbourhood of Clones, County of Monaghan, where I have got all spades and shovels which were required, while wheelbarrows, and iron tools of every description, are supplied by working carpenters and smiths in all parts of the district, who having been furnished in the first instance with good models, are now able to supply these articles of the best quality, and fully as cheap, and in many cases cheaper, than they could be got from any of the extensive manufacturers. A very large amount of employment has thus been afforded to the country mechanics, and they have at the same time acquired skill in the manufacture of a superior description of implements, which must tend to the introduction of a better class of tools for general country use."—19th Report of Board of Works (1851), page 58.

CHAPTER III.

ON THE REMEDIES FOR IRISH DISTRESS.

"Among the best laws of recent days, are those which have annulled the legislation of former times."—*Lord Clarendon's Reply to the Corporation of Dublin.*

WE have stated that the great cause of the distresses of Ireland consists in the undue demand for land, together with the unnatural limitation of its supply; we have seen that certain sets of causes have been in operation, which removed all other sources of employment from the people, and consequently rendered land their sole means of support. Other sets of causes were also in simultaneous operation, which both diminished the actual supply of marketable land, and rendered unprofitable the increase and development of its productive powers. We have seen the reciprocal influence of these two classes of causes, how the absence of manufacturing industry aggravated the evils of the restrictions upon land, while the restrictions upon land perpetuated the absence of manufacturing industry. It follows, then, that the true remedy for Ireland must consist in the removal of both these sets of disturbing causes. With regard to the first class, we do not believe that anything remains for the legislature to do. The penal laws are totally abolished, although their mischievous effects have not yet passed away. The ruinous system of Government interference is also at an end; and no one would now seriously propose to encourage our manufactures by a return to the killing kindness of protection. "If," says an enterprising and enlightened Irishman, himself deeply interested in the commercial prosperity of Ireland, "if our manufactures cannot be

maintained in a fair and open competition with those of other countries, they are undeserving of support, and should be allowed to fall."* All that can be done for the manufacturing interest is, to remove every restriction which tends to diminish the number or the wealth of their customers.

The tide of emigration which has been flowing for the last few years with such fearful violence, and which even still shows but little indication of ceasing to flow, renders it unnecessary to discuss the merits of that mode of relief. When a quarter of a million of our people are annually leaving our shores, there seems to be little room for Government interference. Even those who once loudly clamoured for emigration, now cry out that the country will be depopulated, that its capital is flowing from it, and that none but decrepid paupers will be left to till the land. Closely connected with this subject is the theory of over-population. But even supposing it to be desirable, or possible, to check the natural progress of population, it is evident that the excess of population is as compared with our existing, not with our possible, means of employment; and it is surely far wiser, far more practical, to ascertain how the field of employment may be enlarged, than to speculate how the numbers of the people may be diminished. Disease, and famine, and despair have saved us all trouble on the subject of population, and natural causes have exercised a control which would have baffled all the powers of the Legislature to effect.† It appears, then,

* Condition and Prospects of Ireland, p. 157.

† In the Report of the Board of Works for 1851, page 55, we find the following statement:—"A remarkable feature in many parts of the country during the past year was the difficulty experienced in procuring a sufficient number of able-bodied labourers; the diminution is, indeed, startling, some portions of the country being nearly deserted, so that we have been obliged to authorise the erection of temporary buildings to lodge strangers, in order to carry on the works economically. On some works, where 3,000 or 4,000 labourers could be obtained with facility in 1846-7, scarcely as many as 600 or 700 men could be obtained last year;

that we cannot permanently affect the demand for land ; let us look now to the supply. The supply of land is evidently all the land in the country. If, therefore, land is a perfectly marketable commodity, and if no restrictions upon its sale or its improvement exist, the Legislature can do no more. We need hardly say that this is far, indeed, from being the case. We have already shown that both the actual quantity of land in existence, and the productive powers of that which is in the market, are unnaturally limited by the present state of the law.

It is, then, to the removal of these restrictions that we must look. It is this, and this only, that the Legislature can do for Ireland. Several most important measures, all having this tendency, have been already passed. First on the list stands the Incumbered Estates Act. This measure was absolutely necessary to remove the existing evil ; but although it does so to a great extent, it does not purpose to do more. It establishes the great and important innovation of transferring the charges from the estate itself to its price, and of selling the land in lots of various size, with a clear, simple, and indisputable title. Under the old system, the Court of Chancery first determined the rights of the parties, and then sold the estate. The Commissioners, under the present act, first sell the land, and then determine the rights of the various parties to the purchase-money. We believe that there hardly exists, at present, a second opinion as to the beneficial results of this measure. Men now perceive that the act is not the cause of the estates being incumbered ; neither is it the cause of their being sold at a low rate. They are beginning to understand that, on the contrary, it has actually kept up the price of land ; and that the short, simple, and inexpensive proceedings, before the Commissioners, are far more

whilst in nearly every part of the country, when the works terminate, the best labourers emigrate with any portion of their wages they have been enabled to save."

favourable to the sale of an estate, than the never-ending costs and delays of Chancery. In fact, the effects of certainty of title have appeared in the sales under this Court in a very remarkable way. Dr. Hancock has shown, from the Commissioners' Returns for last year, that estates in fee simple sold for about five years' purchase more than leasehold estates, and very satisfactorily accounts for this great difference, by observing that the act gave in the one case a Parliamentary title to the land itself, while, in the other, it only gave a Parliamentary title to the lease; but as to the head landlord's title, or his power to give a lease, or as to the due execution of the lease, it gave no security. The part of the proceedings of the Court, which seems to have struck most forcibly the public mind, is the expenses. It appears that the average cost of selling an estate, under this Court, including valuations, maps, advertisements, &c., amounts to but one per cent. This startling revelation actually drew forth from the papers, who could see Baron Richards in no other light than the chief of a legalised banditti, the declaration that it was quite impossible to think of returning to the old Chancery system.

The Return of the Commissioners, which gives an account of their proceedings up to March 31, 1851, proves beyond a doubt two facts; first, that the estates which have been sold were hopelessly incumbered; second, that they brought their full value. After taking off a fourth from the gross amount of incumbrances, to allow for duplicate claims of creditors, we find incumbrances to the amount of £3,064,644, on a rental of £107,707, or about twenty-eight years' purchase of rents, which the Commissioners assure us are, in many cases, far beyond any sums that could possibly be collected from the tenants. The average rate of purchase has been about thirteen years on the rental of 1845. This was in very many cases an absurd rack-rent, and when we remember that the sale of an Irish estate is merely the sale of the land, without any farm-

buildings or improvements of any kind, with much of the land exhausted or unreclaimed, and thus requiring a large additional outlay on the part of the purchaser, that the occupying tenants owed several years' arrears to their former owner, and that the heavy poor-rate severely affected the value of land, we may well suppose that the average price of these estates represented their full value. The few English and Scotch purchasers (about 30) would seem to confirm this opinion. If bargains had been going, we should have found that the Scotch at least would not be wanting to pick them up.

But admirable though the Incumbered Estates Act is, and most beneficial to the public, and most merciful both to debtors and creditors as its operation has been, it only aims at removing the intolerable grievance that actually exists, but does not attempt to eradicate its cause, or prevent its return. Two other acts, as auxiliary to it, have been carried by its distinguished author, the English Master of the Rolls. The first of these has at last satisfactorily terminated the series of Legislative blunders regarding Irish judgments, by placing them on the same footing with those obtained in England. Every judgment will in future affect only the special lands upon which it may be charged, and on which it will operate as a mortgage. All subsequent acquisitions are exempted from its influence, and an additional check is imposed by requiring re-registration every five years. The other provides for a great system of land indexes, based upon the ordnance survey. By this arrangement, parties will be able to ascertain in a few minutes what charges affect the lands about which they are interested. Original deeds are also to be deposited in place of the scanty memorials which have hitherto been given; and in short, without entering further into details, the process of searching will now be as quick, as certain, and as plain as it was formerly tedious, doubtful, and perplexing. We may next mention another most useful act, that for converting renewable lease-

holds into estates in fee, on payment to the landlord of an increased rent charge, calculated on fixed equitable principles.

There are other bills also of considerable importance. One extends the leasing powers of parties under disabilities; another lightens and simplifies the stamp duties on leases; another removes a serious, though indirect, obstacle to the granting leases, by making the franchise independent of tenure. It was no small injury to the country, that those who could give beneficial leases were often unwilling to do so, through fear of creating a hostile vote. This difficulty is now removed. The act to which we refer is also of the utmost importance to Ireland in a political point of view. The constituency had nearly disappeared; the gross amount which still remained, was about 72,000. Under the new act, it has been increased to upwards of 160,000. This measure has the great additional merit of containing within it the elements of self-preservation, and self-development, and will probably be found to be a perfectly sufficient electoral reform. An act to shorten the duration of elections is also well deserving of notice, when we remember the dreadful feuds, which contested elections used almost invariably to excite. Above all, the hateful practice of party processions has been, with the general concurrence of all men, and hitherto with the happiest results, for ever crushed. The Law reforms are also of considerable importance. The practice of the several courts has been assimilated, and their business equally distributed. A perpetually sitting *Nisi Prius* Court has been established; and the mode of proceedings for the recovery of commercial debts has been simplified, and amended. Further, the equity jurisdiction of the Court of Exchequer has been abolished, and even the Court of Chancery itself has been partially reformed.—“There are three palpable defects,”* said Mr. Sadler, “in the Court of Chancery; it is

* 108 Hansard, p. 405.

defective in the mode of proof, in the mode of trial, and in the mode of appeal. The present bill to some extent effects an amendment in the mode of proof." By this act a suit may be commenced by petition, instead of bill; the opinion of the Court may be taken on a special case, and *viva voce* evidence may be substituted for the confused heap of paper questions and answers, which has hitherto been the disgrace of our equity system.

But it is not political remedies of which Ireland stands in need; even Law Reform, important though it be, ranks as a secondary consideration, and the statutes which we have just enumerated are far inferior in real usefulness to the four first on our list. Had the law been, at the time of the Union, as it now is, had even those four acts been then passed, how different would Ireland now be! But regrets are unavailing; the past is beyond our control; over the future happily we have more power. The question then at once arises, are these statutes, which have placed the Irish law, not merely on a level with, but actually above the law of England, sufficient to ensure the prosperity of the country? We are convinced that the census of 1861 will tell a far different, and far happier tale, than that of which we are soon to hear the results. That system under which, to use the emphatic language of Sir Edward Sugden,* "it was impossible for any country to thrive," has been effectually destroyed. The country cannot stand still, it must advance. Yet much still remains to be done, before "free-trade in land" can be said to be really established. As long as the law allows numerous co-existing interests in land, courts of justice must take cognisance of all those interests; as long as the law allows remote and complicated titles, investigations will be expensive, and conveyances lengthy. Any arbitrary alteration in these matters is fully as likely to work mischief, as good. A Registry, however complete, will be of little service, if it

* In his evidence before the Receivers' Committee.

shows an unmarketable title ; it is even possible that it might, in some cases, be actually injurious, by disclosing flaws which otherwise might never have been observed. The giving additional leasing powers is a nearer approach to the mark, but it is still far from it. Terminable leases are by no means fit objects for the favouring regard of the law. It has been well observed* that men constantly appeal to experience in support of their system, while that experience is the offspring of their own system, and like its parent, is forced and unnatural. Such is the case with leases. They are highly praised, and taken under the protection of the Legislature, and even particular descriptions of leases enjoy especial favour, because they have been successful in some parts of England and Scotland ; as if the English or the Scottish farmer chose the system of leasing, and did not rather take it as the best thing he could do. When land was not for sale, the only means of procuring it which was left to the farmer was to hire it ; and when it could not be hired on the most favourable terms, men were obliged to take it on any terms. It is hardly necessary to say that a man will expend far more labour upon what is his own, and what will be his children's after him, than upon what he merely has the use of for a certain fixed time. "Give a man," says Arthur Young, "the secure possession of a bleak rock and he will turn it into a garden ; give him a nine years' lease of a garden and he will convert it into a desert." But the extension of leasing powers is, on the very face of it, a mere palliative, and indicates a more deeply seated cause. It surely is an admission of the unsoundness of a system, when we are obliged to interfere to prevent its direct logical results. Besides, the favour shown certain classes of leases implies an amount of interference that is wholly unjustifiable. Men are quite well enough able to make their own terms about land, if they were only allowed to

do so, without Parliament prescribing the exact number of years for which leases should be taken for different purposes. These Parliamentary leases sometimes occasion the very mischief which they were intended to prevent. It is of course necessary that the form prescribed by the act should be accurately followed, in order to insure its benefit, and thus a new source of litigation, trouble, and expense is opened, and it may often happen that the intention of the Legislature may be defeated by a blundering solicitor, or a careless clerk. We are convinced that all such patching must be ineffectual. It is of no use to put new cloth in an old garment. The remedy for the evil lies far deeper than a change in the practice of the Courts of Equity, or in the system of conveyancing. It is far from sufficient to give bounties on certain kinds of leases, or to lower stamp duties. "*Thorough*" is the only true policy towards our lawyers now, as it seemed to be towards their predecessors in his day, though on a very different subject, to Lord Strafford.* We believe that the Law of Entail is at the root of the evil.

That a man should alien during his life, or bequeath after his death, whatever property he may possess, seems just and reasonable; but it by no means follows that the gift or transfer may be clogged with such conditions, as to deprive his successor of some of the most important powers of property. Human possession is necessarily transitory, and no one generation of those who occupy the earth have a right to prescribe to those who follow them, the mode in which they shall, in their turn, use their possession. At present, land can be tied up for one entire generation, and twenty-one years afterwards. The public interest will be best regarded by adopting the obvious course which nature indicates. Naked we came into this world, and naked we must leave it; and no good reason can be shown why the dead should control the interests, and interfere with the plans

* See Hallam's Constitutional History, I. 485.

of the living. Property is the creature of society, and as long as ever the interests of the individual owner, and those of society are identical, it matters little who that owner may be; but when the new possessor takes only a limited interest, when his interests and those of society no longer coincide, then indeed the case assumes a very different aspect.

We are told, however, that the abolition of entails would be an interference with men's liberty, and would check the desire to acquire property. Such an argument might have been urged in Taltarum's case, but is wholly inapplicable now. The law, as we have seen, does interfere to a great extent. It renders void any devise, or trust for accumulation, for any period exceeding lives in being, and twenty-one years afterwards. The question has been always treated as one of expediency, and such it really is. But when the right of interference has thus been admitted, the amount of interference is a much narrower question. It will be quite enough for a man to know that he can sell, or give, his property to whomsoever he wishes, and the desire to accumulate will scarcely be checked by the knowledge that his successor will exercise as full a control over it, as he himself possessed. Whatever may be the faults of the Continental peasant proprietors, we have never heard of idleness being laid to their charge, and yet their powers of disposition by will are very limited. But there is one argument which is generally deemed conclusive on the subject. It is said, We must have an aristocracy; and to have an aristocracy, we must have entails. From this opinion we altogether dissent. We utterly deny that the existence of an aristocracy is dependent upon entails. The Law of Entail had no more to do with the maintenance of an aristocracy than the Navigation Laws had with our maritime empire, or the Catholic Exclusion Laws with the Constitution of 1688. "The barbarous institutions of primogeniture and entail *

* Adam Smith; *Wealth of Nations*, Book iii. c. 2.

arose in those troubled times [when treasons were rank, and forfeitures abounded; and were intended to secure to their families the properties of the attainted nobles. In this object entails were perfectly successful¹; and we cannot wonder if they did not equally answer a purpose for which they were never designed. They certainly have not prevented the necessity of the Incumbered Estates Act. They could not avert the sale of Stowe. They did not save the gifted but unhappy heiress of Connemara from dying, a ruined exile, in a foreign land. But they have been the direct and positive cause of ruining many a noble house, keeping the owner in a false position, making him a trustee for the creditors, and younger members of the family, utterly incapacitating him from making commercial contracts with his tenants, and generally preventing and always impeding the sale of any portion of his estate, for the benefit of the remainder. Such, we are told,^{*} was the cause of the downfall of the Earl of Kingston, who lived in almost royal splendour at Michelstown; and such, as we have already said, was the cause which has left Connemara a desert.

But the absence of entail by no means implies the sale, or dismemberment of estates. Many old families in England, as Mr. Pim has remarked,[†] have retained estates for generations without their being entailed. Even in France and Norway, where, by an exactly opposite error to ours, the land is compulsorily divided among the children, and the father thus deprived in a great degree of the power of bequest, the consequences are by no means such as might have been anticipated. There appears in those countries a decided tendency in land to accumulate, and in no instance do we find that excessive subdivision which we should naturally apprehend. It seems as if the centripetal tendencies were sufficiently powerful to counteract the evil results of the centrifugal.

^{*} See Report of Receivers' Committee, p. 19.

[†] Condition and Prospects of Ireland, p. 294.

The case of America is very striking. There the law holds the happy mean, and admits of full power of bequest, with equal division in case of intestacy. It is remarkable that, contrary to our experience, the law does not appear to influence the custom. On the contrary,* Sir Charles Lyell assures us that, in nine cases out of ten, the farmers do not leave their property in equal shares to their children, as the law would distribute it if they died intestate. As a general rule, he adds, the larger the estate, the greater is the inequality of partition. It would be, indeed, unfortunate if the existence of the aristocracy should be found to depend upon restrictions which are injurious to the people at large. We believe that it is not so; as our aristocracy flourished before entails were contrived, so it will flourish after they have been removed. Rank and wealth, whether or not connected with land, will always retain their just social influence, and we may be satisfied that the ordinary prudential motives which are found in the rest of mankind, will fully secure the continuance of our nobility. It is said, however, that it is necessary to secure the children by marriage settlements against the misconduct of their parents. We believe that the importance of these settlements is greatly over-estimated. With well-conducted and prudent men they are at best useless; to the worthless and profligate they oppose but a feeble restraint. In many cases their influence is positively injurious. We could readily point to different settlements, where the parties for whose benefit they were intended, would joyfully sacrifice a considerable sum to be freed from their restrictions. But from a weakness of the human mind, men observe a few remarkable instances in which some spendthrift has been checked in his course, and never think of the numerous cases in which skill and enterprise have been impeded; as the sceptical old Greek, in the story which Lord

* Second Visit to the United States, I. 63.

Bacon quotes, when asked, if the votive offerings of rescued mariners in honour of the God of the Waters did not bring conviction to his mind, shrewdly replied, "Ay! but where are those that were drowned?" We observe the positive effect in the one case, we forget the negative influence in the other. Whether or not it would be desirable to alter the present law of husband and wife, it is unnecessary for our present purpose to discuss; but no difficulty exists as regards the children. It is vain to contend with nature. It is a great moral law that the sins of the father shall be visited on the children. We see this law every day in operation. No entail can prevent a father from neglecting the education of his child; the strictest settlement will not save the issue from inheriting the diseases of the parent; the interests of the child must depend upon the conduct of the father; and no law which we can enact, will ever supersede that great and mysterious ordinance of nature.

The principle, then, which we advocate is, that every possessor of property should enjoy the most perfect freedom in its use during his life, and on his death should dispose of it with equal freedom, provided that he transmitted to his successor the same power of enjoyment that he himself possessed, and that that successor should be in existence at the time of the gift. This rule would at once put an end to the burdensome system of remote and complex interests in land, and to the whole host of statutes which regulate the leasing powers of parties under disabilities. Mr. Longfield* informs us that there exist thirty-four statutes regulating the powers of ecclesiastical corporations, and eighteen regulating the powers of those under natural and legal disabilities, and extending those powers to favoured objects. All such statutes, as we before observed, are very strict, and even a

* Report, &c., p. 25.

trifling deviation will take away the proposed benefit, so that they readily lead to trouble and expense. How far better, how far more consistent with sound economic principles would it be, to leave the land free in the hands of each successive generation, than, from time to time, to strike a link off one set of fetters, merely to add it to another. If the interests in land, and its title, were thus simplified, the general registry would come into full operation. It would then not merely shorten searches, and do away with the necessity for an occasional reference to the Master in the progress of an equity suit. It would not only afford the means of making out a good title, but it would actually give one. The transfer of land might then be effected by a simple transfer on the books of the Registry-office with as much facility as the transfer of stock.

It is strange how the effects of such a measure are misunderstood. So far from injuring landed property, its direct and immediate effect would be to increase and keep steady its value. At present, the price of land fluctuates greatly; sometimes it is unduly raised, at other times it becomes nearly unsaleable. The limits of this fluctuation would be greatly abridged by the absence of any artificial causes of depreciation. The opportunities which would thus be given of selling land in small lots, would attract many people who are anxiously seeking for investments for small sums, but who could never think of buying land in estates of large size. The competition of these people would of course raise the price, and in this manner all parties would be benefited. "It is," says Mr. Pim, "the facility of sale and transfer, the certainty of a ready market, the great number of persons interested in them, which maintain the price of the public funds at so high a rate, and which enable the holder at any time to sell them for their full value. Surely the same results would also be obtained in the case of land." This proposed assimilation of the tenure of landed and funded property, and its probable consequences are by no means so novel as is

generally supposed. In a curious old pamphlet,* published 150 years ago, we find the following remarks :—"Suppose there were the like hazard in the titles of stock in the bank, &c., as in the titles of land—viz., that this stock were transferable at large out of a registry, and that every such particular transfer, together with general incumbrances of judgments, statutes, &c., were to effect it as they do lands, and that the conveyances of it were to be made by lawyers, with recitals, '*and whereas*' &c., showing all the mean assignments through which they come, and a set of conveyances afterwards for being lawfully seized, &c., whether this very alteration of the title, without anything else, would not itself depreciate the value of stock twenty per cent. ; and yet, perhaps, there might not be one false title in a hundred transfers. Why, then, if it be supposed that the changing the title of lands to the title of stock would depreciate it so much, I can't think but the changing the title of stock to the title of lands would much advance the value of them ; and this title to stock is nothing but a registry, which doth take away the use of, *First*, all recitals of mean assignments, because in the very accounts of the registry, it appears by whom all transfers were made. *Secondly*, all covenants for a good title, because the registry itself shows it is a good title. I could only wish," he continues, "that an experiment were made to change the titles of stock, tallies, bills, &c., into the titles of land, to see whether this clog on their transfer would not make them as dead commodities as land is now." It would be, indeed, difficult to conceive any measure more calculated to promote the accumulation of capital, to increase the value of land, and, above

* An Essay on a Registry for Titles of Land. By John Asgill, of Lincoln's-inn, Esq., Dublin, 1701, p. 41. Mr. Hardiman, the eminent Irish antiquarian, has informed us that it was owing to this pamphlet that the Public Registry Office for Deeds in Ireland was established. Some interesting particulars of the able but eccentric writer may be found in Coleridge's "Table Talk."

all, to insure the maintenance of peace and order, than one which would enable a man to sell his land with as much freedom as he does the cattle, or the crops, which he produces upon it.

We have stated that the principle which we advocate is perfect freedom of disposition during life, and of bequest after death to some person or persons in being; but supposing that the proprietor does not exercise his power of bequest, what is to be done? In this case the law interferes, and gives his freehold property to his eldest son, while it divides his chattel interests, including his leaseholds, among all his children. We believe that it would be, on the whole, desirable to assimilate the law of inheritance in the two descriptions of property; and to divide the property of the intestate fairly among all his children. It is strange what misconceptions have existed on this subject. Primogeniture has been considered by its friends, and its opponents, as the support, or the ruin of the country. Nothing more strongly shows the want of clear views on the most important subjects of daily life. Primogeniture only takes effect in cases of intestacy. In France, on the contrary, the Law of Compulsory Division deprives the parent of the right of bequeathing the greater part of his property, and acts as an entail which cannot be barred in favour of all the children. The most injurious effect of primogeniture seems to be the direction which it gives to custom. But very little harm indeed would result from the rule, if the heir could readily sell the inheritance when it came to him, if it seemed to be desirable to do so. We are well aware, however, that there are many to whom any alteration in the Law of Entail appears a dangerous innovation. It will, therefore, be important to show that their favourite system is in reality the innovation, and that many countries have prospered without the aid of artificially-enlarged estates.

“All ancient legislators,” says Niebuhr,* “and above all,

* History of Rome, i. 239.

Moses, rested the result of their ordinances for virtue, civil order, and good manners, on securing landed property, or, at least, the hereditary possession of land to the greatest possible number of citizens." The old Romans, Dr. Arnold* assures us, considered any attempts to tie up land "an unjust encroachment on the power of posterity, and an unnatural usurpation on the part of any single generation." "The insolent prerogative of primogeniture" was unknown to the civil law, the simplicity of which, to use the words of Gibbon,† "was never clouded by the long and intricate details which confine the happiness and freedom of unborn generations." But we have other precedents still stronger than these, both because they are of our own day, and because they are cases in which the change was actually made. "There are three facts," says Mr. Kay,‡ "of which there can be no doubt. The *first* is, that the peasants of France and Germany were, fifty years ago, subjected to a social system precisely similar to that now in force in Ireland. The *second* is, that at that time the condition of the peasants of France and Germany was, according to the testimony of Arthur Young, and many other eye-witnesses, at least as bad as the condition of the Irish people at the present day; and the *third fact* is, that since the old system of great estates, and great ignorance has been changed, the condition of the peasants in those countries has changed most undeniably, and, according to the unanimous testimony of all writers, immensely for the better." An apparent objection to these views arises from a fact proved before the Devon Commissioners. They found that "lands let on long terms and at very low rents are in a worse condition, and their occupiers even more embarrassed than others." It is well observed by Professor Haneock that these results arise not from the security which the tenant enjoys, but from the

* History of Rome, i. 267.

† Decline and Fall, chap. xlv.

‡ Social Condition and Education of the People, vol. i. p. 322.

difficulty of transferring his interest. There can be no doubt that the power of alienation greatly affects the value of property. "The French peasant," says a writer in the *Edinburgh Review*,* as soon as he has agreed with his neighbour for the purchase of half an acre, goes with him to the *notaire*, and has it transferred into his name; if he wishes to sell, he can part with it as easily as he obtained it. * * * * We once bought a small freehold as a qualification; the price was £40; the expenses were £30. Hence, although France is a poorer country, and presents less advantageous opportunities for the investment of capital than England, the land sells for one-third more. Forty-five years' purchase is as common in France, as thirty years is with us." It is not, then, because they have a peasant proprietary that the Continental countries are well off, but because those proprietors can sell their estates when they please. It is not because the fundholder is free from those cumbrous contrivances that clog the title of land that the funds maintain so high a price, but because he can so readily transfer his interest. On this point we shall again cite the testimony of Mr. Kay.† "In Saxony," he tells us, "before the beginning of the present century, there were a number of small proprietors, who held their lands under strict settlements; and accounts published in those times represent the condition of the proprietors themselves, and that of their farms, to have been wretched, and to have been progressively deteriorating; and these old reports, with great discrimination and justice, declare that the cause of that state of things was, not the smallness of the estates, but that the small proprietors could not dispose of their lands to men of science and capital, when they felt it to be their interest to do so." Another explanation, and one worthy of attention, is given by Mr. Pim.‡ "Peculiar or local advantages," he

* No. clxxxix. p. 107.

† I. 363.

‡ Page 282 (note).

observes, "rarely raise a man much above the ordinary level of the people among whom he lives. If they are lazy, it is not likely that he will be very industrious. The prevalent feeling of insecurity in Ireland has produced its natural fruits; and in those cases in which security really exists, the parties are too often content to follow the example of their neighbours; and as their advantageous position enables them to attain the same low degree of comfort with less exertion, so they are sometimes more lazy than those who are forced to labour by the necessity of providing for a higher rent." It seems to us that both these causes had their influence in producing the state of things described. From these considerations we may deduce two conclusions which strongly support the principles we have already indicated. We may infer that leases and similar palliatives will fail to awake the energies of a depressed people, and that, even where property exists with its attendant industry, the absence of its most important incident, the right of alienation, will paralyse men's exertions, and impede their progress.

We have said that the owner of land should have full power of entering into any contract regarding his property, during his lifetime, and of transmitting the same power to whomsoever he pleased on his death. We have also indicated the true policy of the law, in the event of his failing to exercise this latter power. We must now show how it ought to interfere, if he fails to exercise his power of forming special contracts with the occupier of his land during his lifetime. The necessity for such interference would be greatly lessened by the adoption of the principles to which we have referred. Still the question should be determined, and, as the law at present stands, there is hardly any subject of greater importance. We have already noticed the old feudal rule by which the fixtures erected, or the permanent improvements made, by the tenant become attached to the soil, and are vested in the proprietor. For several years past

this subject has excited the utmost attention, and various attempts have been made to legislate upon it, but without success. The true remedy is undoubtedly that suggested by Professor Mancock, and simply consists in reversing the old feudal rule, and giving, in the absence of all special contract, the presumptive right to all improvements which he himself has made to the tenant, and not to the landlord. So simple is this important question, and so readily, when we attend to the teachings of science, can that problem be solved which, when those teachings are disregarded, seems beset with so many and such formidable difficulties. It would also be most desirable to assimilate the Law of Trusts in the case of real and personal property. The Bank will take no notice of trusts of stock, but will do with it whatever the trustees may direct; and if they misapply it, the *cestui que* trust has his remedy against the trustees. We need not say how different the law is in the case of land, though why it should be so, it is not very easy to explain. We believe that these changes in the law would of themselves remedy much that is evil in the mode of procedure in the courts of justice; and we hope that the recent statutes will have good effect. There can be, however, no doubt that much more remains to be done. The numerous statutes which relate to ejectments should be consolidated, and the whole proceedings simplified. The right of distress should be entirely abolished, and in its place the Scotch practice might, perhaps, be introduced, of requiring security from the tenant for payment of rent, on an affidavit before justices of the peace, that there were reasons for believing that he meant to evade it. All law fees ought to be utterly abolished, and the officers who receive them should be paid by fixed salaries. In this way much of the present oppressive cost of legal proceedings would be removed, and the necessity of extending the jurisdiction of the assistant barristers would be obviated. The Patent Laws also require

a complete and thorough reform. "The expense* and delay of obtaining a patent in Ireland are greater than in any other country, and the consequence which might be naturally anticipated ensues. There is no country where patents are known, in which so few are taken out in proportion to its population and general intelligence." It is generally considered necessary to take out a patent for each of the three kingdoms, and the cost of an unopposed patent amounts to £450. Even after all this expense and vexation and delay has been incurred, no adequate security is afforded to the inventor in the enjoyment of his property. But one fact will show the influence of this system. In 1849,† 2000 patents were taken out in America, where the expense is £6 15s.; while in Ireland, where it amounts to about £160, with a delay of five or six months, there were taken out but *three*. The entire system should be changed. A Commissioner of Patents, whose jurisdiction should extend over the whole United Kingdom, should relieve the Attorney-General of duties which he can never be able adequately to discharge, and an effectual system of registration for all inventions should be established. We would also sweep away the remaining portion of the Usury Laws—that wretched relic of an exploded system. Of all the delusions which have beset the agricultural mind, this is the strangest, for its injurious effects are more immediately apparent, and press more directly upon those for whose benefit they were devised than any other of the protean forms of protection. If this most absurd restriction were removed, we might have reason to hope that a really respectable class of money-lenders would supersede the local usurers, who have been, perhaps, the very bitterest curse to which the poor of Ireland have been exposed. All stamp duties upon sales and agreements connected with land

* Report on the Patent Laws, by James A. Lawson, Esq., p. 7.

† *Northern Whig*, May 8, 1851.

should be abolished. The revenue thus lost might be replaced by taxing inheritances, and thus still further assimilating the law of real and personal property. Further, all lands belonging to foundations, and all Crown and quit rents, ought to be sold, and their price applied to the original uses of the lands. Generally speaking, it may be safely stated that land is far better in the hands of individual proprietors, than when managed by public Boards with necessarily limited powers. We cannot but think that it is eminently undesirable to add the relation of landlord and tenant to that already existing between a clergyman and his parishioners. Mr. M'Culloch* states that there are about 700,000 acres of Church property in Ireland. This, at the average rental of the country, ought to produce about £450,000 a year, but, from mismanagement, it is estimated that its annual rental does not exceed £200,000. We do not propose to take away anything. We are not of opinion that the Established Church is the grievance which it is sometimes represented. We should far rather see the endowment of other Churches, than the spoliation of the Establishment. Gladly, indeed, would we see a more satisfactory distribution of Church property; but we are now merely suggesting a change of one species of property into another—a change which we are convinced would benefit as well the owners of the property as the community.

The measures which we have ventured to suggest may be thus summed up:—

I. The Law of Entail should be restricted to lives in being.

II. The Law of Real Property should be assimilated to that of Personal in the following respects:—

1, in trials; 2, in cases of intestacy; 3, in taxation; 4, in fixtures; 5, in usury.

* Geograph. Dict. ii., 46.

III. The *prima facie* right to all improvements (trees included) should be vested in the tenant.

IV. Corporate and Crown lands should be sold, and their proceeds invested—the one in the funds to the same purposes as the lands, the other in extinguishing so much debt.

V. The Law of Distress should be abolished, and the Statutes of Ejectment should be consolidated.

VI. All Law Fees should be abolished.

VII. The Patent Laws should be reformed.

VIII. A General Register of Land should be established in every county.

It would be desirable, with regard to existing incumbrances, to extend the Incumbered Estates Act to all proprietors, up to a certain date, who might choose to avail themselves of its powers. It appears* that up to December 1st, 1850, 149 petitions were dismissed by the Commissioners—thus showing that there is much land that ought to change hands, but which cannot now do so. The preference which is already given in the money market to the clear Parliamentary titles would of itself induce many to apply, and thus the whole country would be enabled, as it were, to start anew.

It is curious to observe how almost all those laws which now act so oppressively, were originally useful and well adapted to the then existing state of society. Primogeniture was rendered necessary by the existence of military tenures, by the inconvenience which would result from the division of the military services, and the public loss which a number of infant tenants, incapable of performing any duty, would occasion. The Law of Entail, as we have seen, was of the utmost importance to the nobles, to save their estates from confiscation at a time when such dangers were more real than they now are. Indeed, it is expressly stated† that it

* See 1 Stephen's Commentaries, 234.

† See Thom's Statistics of Ireland for 1851, p. 200.

was to avoid this effect of the statute "*De Donis*" that Edward IV., who had full experience of its effect in the wars of the Roses, contrived to have the doctrine of recoveries established by the famous decision in Taltarum's case. Stamp duties, like many other taxes, were a safe and convenient way of raising money at a time when the skill of a Chancellor of the Exchequer was directed by that golden maxim of antiquity, "*Unde habeas querit, nemo sed oportet habere.*" At present, however, the people virtually tax themselves, and while they admit the painful necessity, they are beginning to look rather curiously into the manner in which the operation is performed. The rule that whatever is once attached to the soil becomes essentially a part of it, arose at a time when personal property was of little or no importance, and where no improvements of any value could be expected from the tenant. Besides, the tenant's interest was considered of no importance as compared with that of the landlord, for their relation was not simply that of lessee and lessor, but of vassal and lord. Similarly too, grants of land were made to the Church and other corporations, simply because there was nothing else to give them. No minister at the present day would propose to endow some new foundation with an estate. Again, the law of distress was originally intended to avoid what would, at the time, have been an absurd form. When the landlords, as lords of manors, held their manorial courts, it would have been absurd to institute proceedings in their own courts on their own behalf, and they were enabled to execute summarily by their bailiffs, who were also officers of the court, the decree which they were authorised in due form to pronounce. So, too, in the case of the Patent Laws; the vexatious delay and expense of taking out a patent is caused, partly by the necessity of taking a separate patent for each part of the United Kingdom—a measure which was, of course, necessary when they had each separate governments, but, surely, very unnecessary now—and partly, from the tedious and costly forms of

procedure. These arose at a time when great and well-founded jealousy was felt towards anything that savoured of restriction. The statute of Monopolies had removed all power from King James I., of enriching his worthless courtiers at the expense of his subjects, and the sole exception, the case of new inventions, was by custom, rather than by statute, beset with many once useful, but now most oppressive safeguards. The proceeding* of ejectment was contrived to avoid the intolerable inconvenience of real actions, and, as usual, continued long after those cumbrous forms were abolished. Its history may be told in the words in which the Real Property Commissioners† describe the old fines and recoveries: "With some exceptions, they seem to have been looked on with a sort of veneration by successive generations of lawyers, who, from their having formed part of their legal studies, and from the working of the machinery having grown familiar to them, have become insensible to the consideration that their utility arises solely from the circumstance, that the law has provided no simple and direct means of effecting the important objects in regard to real property, to which these processes have been, as it may be said, forcibly applied. So powerful is habit, that men are satisfied with the effect produced, and disregard the intricacy and expense of the process, and the dangers to which it leads."

Other measures of reform have been proposed, with a view of preserving intact entails and foundations. They consist chiefly in establishing, in connection with a local registry, public sales of land, with a Parliamentary title, and of transferring all charges from the land itself to its price; and of giving statutory powers of sale and exchange to every settlement, allowing the parties to determine the person who shall exercise the power, or, in the absence of such determination, to give the right to the

* 3 Stephen's Commentaries. 490.

† First Report (1829), p. 31.

protector of the settlement under the Fines and Recoveries Act. If it is determined to preserve the present power of settlement, in its full extent, such a method would of course be most desirable. Its ablest advocates,* however, propose it, not as the best measure in the abstract, but as the best which they hope to see carried. We believe that the days of entail are numbered. The progress of reform is slow, but steady, and in the gradual relaxation of the feudal strictness, we fancy that we can see the approach of complete freedom. But whatever may be the opinion of those best skilled in such matters, as to detail, however opinions may vary as to the means which we should adopt, there can be no doubt, no hesitation as to the end. To set land free, to permit it to exchange with as much facility as the wants or desires of the community may require, this is the grand object for which every enlightened lover of his country should strive. No sectarian interests, no political prejudices, are involved in this momentous question. We do not propose any specific as an infallible cure, we do not demand an agrarian law, we do not call for peasant proprietors, we do not advocate the respective merits of large estates, or small estates. These various forms of property may be, and doubtless are, good in different countries and circumstances. All that we desire is, to leave land so free as to enable it to assume any of these, or other forms which the circumstances of the country may require. Nor let it be supposed, that this relief would be confined to one particular class. The interests of all the various classes in the community are so intertwined, that the prosperity or suffering of one class must necessarily affect the rest; and it does not require much reflection to perceive, that when sixty-six out of every hundred of our entire population are in distress, it is impossible for the remainder to be prosperous.

There are other matters which form part of the duties of

* See Tenth Report of Committee on Poor-laws. Qu. 9,866, 10,157.

the Government, rather than of the Legislature, to which we must advert. It is absolutely necessary, at whatever cost, to preserve order throughout the country. It is almost universally admitted, that the vast majority of disturbances in Ireland have been caused by those unfortunate arrangements of property of which we have said so much. We must not forget, that it is but a very few years since any legal provision was made for the poor; and that thus the possession of land became a far more important question to the Irish peasant than we might at first suppose. That the people are naturally well disposed; and peaceful under ordinary circumstances, might be proved by many witnesses; but we shall only quote one authority, for it is nearly decisive on the question. "The best results,"* say the Board of Works, "to the peace and order of the country have also followed from the employment of the people in these drainage works, where they have been steadily maintained for a year or two. The discipline established, the system of task-work, with its stimulation to industry and increased exertion, the regularity of payments in cash, and the recognised palpable utility of the work on which the people were employed, have established the best possible feeling; and many of the engineers and private parties in the district bear testimony to the fact, that, during the excitement of last year (1848), the peace of many districts was preserved, and the absence of crime in others is directly accounted for, by the steady continuous employment afforded on those works." We believe that if the people had constant employment, the duties of Government in the maintenance of order would not be very onerous. Hitherto it seems wonderful how the country has been kept so quiet. Many of the aggravating causes of discontent have been happily removed; and, without unnecessary reference to what is past, we believe that little has been left for moderate men to desire on this subject,

* 17th Report, p. 42.

beyond a continuance of the firm and enlightened policy which has characterised the administration of the Earl of Clarendon.

The distribution of Government patronage has always been in Ireland a subject of peculiar importance. Owing to the general absence of industrial employment, the demand for Government situations has been unduly increased, and extraordinary exertions are frequently made to obtain a very inferior place. At no very distant period, all the favours of Government were reserved for a single party; the reaction came, and, for some time, opinions of a very different nature were the surest recommendation for office. Undoubtedly, the excluded party had little ground for their loud laments; perhaps it was even right for a time to seek in this manner to win the confidence of a body that had been long unduly depressed. Now, it is of the utmost importance to the country at large, that the Government should not in any way keep up distinctions which the Legislature has abolished. In determining upon a man's qualification for any office, his religion should neither be an argument for nor against him; it should be neither a recommendation nor an objection. There is, we are sure, nothing that would tend more quickly and more certainly to merge the difference of creed in the resemblance of citizenship, than the steady perseverance in this system from the highest to the lowest places where Government has influence. It was long since* remarked, that "there is no people under the sunne that doth love equal and indifferent justice better than the Irish;" and the observation is as true in the reign of Queen Victoria, as in that of Queen Elizabeth. The Minister who should be independent enough to carry out such a system, would soon find that there is no conciliation equal to justice.

We have thus indicated the line of remedial policy which we consider best calculated permanently to benefit the country. It

* By Sir John Davies.

is strictly consistent with the legitimate functions of Government, for it consists in the preservation of order, and the repeal of burdensome and restrictive laws. These no private enterprise, no individual efforts, can accomplish; without these the best energies and most hopeful plans of our people must necessarily be repressed and thwarted. But we are far indeed from thinking that nothing is left for Irishmen themselves to do. The first and most obvious duty which every Irishman owes to himself, and to society, is to promote by every possible means the spread of education. Considered simply by itself, as a remedy for the general condition of the country, education is wholly insufficient. It was a wise and profound remark,* that "agricultural instruction depends, even for its truth, upon the state of the law." A knowledge of the benefits derivable from a six years' rotation of crops is of little use to a man who may be at any time ejected on a six months' notice; and it would be rather sanguine to expect even the holder of a statutory lease for thirty-one years to engage in permanent improvements, which would not repay him in less than twice that time.

No one, however, will deny that industrial knowledge and general education are only next in importance to the great question of social reform. On this subject Government has not been wanting, and ample materials exist for supplying the present educational wants of the people. But unfortunately the most hopeful scheme that had ever been devised of gradually weaning the people of Ireland from their former dissensions, and of obliterating in the rising generation all traces of religious rancour, has been at least retarded by those from whom it ought to have derived its chief support. The bitter experience of so many years might well have convinced all who thought upon the subject, that education, when tainted with an approach to proselytism, was worse than useless. At first there was a violent

* Impediments to the Prosperity of Ireland.

opposition to the National Schools by the clergy of the Established Church, but this has long since abated ; and many, we believe, now deeply regret the error which they then committed. A far more desperate and more dangerous attack is that to which the Queen's Colleges are exposed from the ultra-montane section of the Roman Catholic Church. Notwithstanding the general adoption by this party of the principle of united education in the National Schools, notwithstanding their contract to support the Colleges if certain fair concessions were made, notwithstanding that the Government met their wishes in every particular which was not inconsistent with the principle of religious equality, the Colleges have been attacked with a fury which is almost unparalleled even in religious warfare. When an appeal is to be made to the people, the new institutions are denounced as the "sources of political servility ;" when the assistance of the Pope is to be invoked, his Holiness is terrified at the thought of "seminaries of sedition." If the Continent is to supply a parallel, the Colleges are "infidel and godless ;" if a reference is made to our own unfortunate history, they become "prose-lytising and heretical." Some sixty years ago, the Roman Catholics were permitted as a great boon to receive their education in the professedly Protestant University of Dublin, and they gladly availed themselves of the permission, although they were debarred from all share in its emoluments. Not a word of remonstrance was heard from the Roman Catholic clergy, the thunder of the Vatican was mute ; but at the very moment when there was not a shadow of occasion for it, when its existence is a retrograde movement, a new university is projected for the sole and special use of the Catholic youth. We do not object to any system of education. Friends to learning for its own sake, we gladly hail its appearance from whatever quarter it may be derived ; but it is hardly fair to condemn one system which is in actual work from any abstract predilection towards another which has no existence. What Ireland has to hope from the

new plan of education may be inferred from the following passage in a devoted organ* of the ultra-montane party. The article bears the significant heading, "*Jacta est Alea.*" Speaking of the Queen's Colleges, it denounces "a system so calculated to blight our dearest hope; namely, that a young generation would arise upon our native soil, strong in its hatred of England and English rule, and which at a future day, and under better auspices, would ultimately emancipate this country from the yoke of slavery which has so fatally weighed upon the energies and crushed the spirit of the nation. But now every doubt is set at rest. The misinterpretation of rescripts, or the cavillings of newspaper casuists, can no longer be pleaded as an excuse for supporting those infidel establishments, where the short-comings of popes and monks in the middle ages would be a favourite theme for comment, and where the conjectures of philosophers, founded upon fossil *sauria*, would carry more weight than the inspired teachings of the prophets of God." Against such opinions as these, argument can do but little; yet we would earnestly entreat those who hold them to beware how they waken the fearful curse of religious discord and national hatred. The clergy of every denomination will best guard against the dangers of knowledge, not by vainly attempting to exclude it altogether, but by devoting themselves with redoubled zeal to the duties of their sacred calling, by assuming a still larger share of the wisdom of the serpent, but never losing sight of the harmlessness of the dove. They should sometimes remember how a heathen poet† insists upon the unfailing coincidence of nature and philosophy, and how the great master of modern science‡ warns us not to dare to "offer to the Author of Truth the unclean sacrifice of a lie." It is, however, gratifying to re-

* *Galway Mercury*, May 31, 1851.

† *Nunquam aliud Natura, aliud Sapientia dicit.*—JUVENAL, Sat. xiv., 319.

‡ Bacon on the Advancement of Learning, book i.

flect that there is a large body of the Roman Catholic clergy who are far from sympathising with the violence of their brethren, and who devote a large portion of their useful and ill-required labours to the moral and intellectual progress of their flocks. We are not, after all, to indulge in overweening expectations. "We are not," says an able writer,* "to expect that a work so great as the regeneration of Ireland will not be subject to occasional retardations from either the outbursts of turbulence or the freaks of fanaticism or folly. If, upon the whole, the progress is not hindered, but only delayed, we shall have reason to be content."

There are no charges more frequently brought against the Irish than their total want of self-reliance, and of mutual support.† It cannot be denied that these charges are true; it cannot be denied that they are most ungenerously urged. We have written to very little purpose, if the answer to the question—Why are these things so?—is not fully apparent. When a nation has been kept systematically divided, when its different classes are led to consider their several interests as diametrically opposite, when the laws prevent, silently indeed,

* *Edinburgh Review*, No. 189, p. 302.

† The remittances from the Irish emigrants in America go far to remove this stain upon our national character. The late Mr. Jacob Harvey, in 1847, from careful inquiries at New York, Baltimore, and Philadelphia, estimated their amount at £200,000. It has been lately ascertained that within the last year they have increased to upwards of £490,000. In a letter published at the time of his inquiries, and quoted in full in the "Irish Crisis," Mr. Harvey, after stating some of the facts which he had ascertained, observes:—"It is but right that credit should be given to the poor abused Irish for having done their duty. Recollect that the donors are working men and women, and depend upon their daily labour for their daily food—that they have no settled income to rely upon; but with that charming reliance upon Divine Providence, which characterises the Irish peasant, they freely send their first earnings home to father, mother, sister, or brother. These facts will give evidence to those who have no faith in Irishmen, that whenever they are able to get good wages they never forget their relatives and friends who are in want."

but most effectually, the exercise of their natural powers of production, it would be strange if the people were anything else than disunited and dependent. Although the causes have been in a great degree removed, the effect still remains ; and it is against this effect that Irishmen must strive. They must seek to weaken its influence, and abridge its duration. They must cease to ask anything from England, except permission to use the powers which God has given them. They must endeavour to realise how good and joyful a thing it is to dwell together in unity. They must steadily direct their attention to social reforms, and these they must pursue honestly, energetically, collectively. And the man who seeks to seduce them into the more tempting ways of political changes, or who represents one class of citizens, from whatever cause, as opposed to another class, should be considered as an unfaithful guide, and his light a deceitful glare.

That unfortunate pride, the besetting sin of the Irish gentry, is, we believe, fast passing away. We cannot but think that, as new sources of industry are opened up, our young men will find better and more profitable means of employment than looking out for interest to get a place in the police or the post-office, or than lounging about at home, killing snipe, foxes, and time. The day is not far distant when they will adopt the opinion of a wise man,* that "the best office for a farmer is to be his own overseer, and the best fees those paid by his own orchard and fields." On the whole, however, we think that the signs of prosperity in Ireland are already apparent. It is, indeed, no very prosperous state of things when we measure our success by a decrease of poor-rate, or a slight rise in the price of land. Both of these, however, exist, and in our present state are of no small importance. The total number of paupers receiving relief on June 22, 1850, was 412,957 ; on April 20, 1851, it had decreased to 263,550, and of these only 10,935 were

* "The Old Judge," p. 216.

receiving out-door relief. The Commissioners of Incumbered Estates observe a perceptible improvement in the sale of land in the worst districts. Even in Skibbereen, a property not long since brought 23 years' purchase.* The local journals give the most satisfactory account of many of the fairs in the west and south, and as yet there is every prospect of an abundant harvest. At the last cattle show, at the Royal Dublin Society House,† Lord Talbot de Malahide stated that the judges—most intelligent and practical English agriculturists—had remarked the decided superiority of the younger class of cattle as indicative of the great progress of improvement in the different breeds; and his lordship, after quoting some statistical details to prove the extraordinary difference between that meeting and that held in 1831, observed, with the apparent concurrence of all present, “that no more conclusive evidence of the great improvement that had taken place in agriculture could be given than that exhibition.”

But there are indications of permanent improvement. Agitation seems hopelessly extinct. The Harp of Tara swells no more to countless thousands; its somewhat dreary tale of ruin has been at length told at Burgh-quay. The fiery pæan of Young Ireland has subsided into a doleful threnos over the death of Irish spirit. The demand for orange lilies is wonderfully diminished, and the very form which the general impatience under suffering has assumed—that of the Tenant

* *Saunders' Newsletter* of Wednesday, Oct. 8, 1851, speaking of the Ballinaslor fair, says:—“Public confidence, we think, is greatly restored. The public begin to feel that there is abundance of capital in the country. Stock having been put up to public competition, the prices were more than equivalent to many former years. Hunters, steeple-chasers, and other horses, brought first-rate prices; and sheep, the few that were offered, brought more than average prices. Another cheering proof of our advancement in emerging from famine and starvation, is the fact of the spirited competition for the large and extensive Incumbered Estates property disposed of this day by Mr. Gauly, subject to the decision of the Court.”

† *Dublin Evening Post*, April 24, 1851.

League—clearly shows the particular turn which the Irish mind has taken. Even this agitation seems on the decline, and its orators declaim to empty benches on the apathy shown towards their glorious cause. Nothing, indeed, in the whole range of Irish affairs is so remarkable as the general reluctance of the laity to engage in any kind of agitation. The Roman Catholics may, perhaps, acquiesce in the strange decision of their Church as regards the Queen's Colleges, but it will evidently be a reluctant obedience. The project of the Catholic University has failed to arouse their sympathies, and the movement in its favour has hitherto been almost exclusively clerical. Even the Ecclesiastical Titles Bill itself has not excited any very violent feeling in those to whose "businesses and bosoms" it does not come home. It is easy to speak, metaphorically or not, about declarations of war, and drawing the sword; but every person who has formed his opinion, not from the foolish ranting of newspapers, or the unmeaning flourishes of orators, but from actual observation of the people, must know that the only war in which the Irish have the least idea of engaging, is against the waste lands, and that the sword is a far inferior implement in their eyes to the ploughshare. More than this, the progress of education is most gratifying. Half a million of children, of various religious persuasions, are receiving instruction in the National Schools. One remarkable fact will show what a strong hold this system has taken of the affections of the people. In the three sorrowful years of 1847, 1848, and 1849, 1,437 applications were received for aid to new schools, of which 910 were received into connection. Thirteen model agricultural schools are in full operation, and grants have been made for the erection of ten others. Thirty-four ordinary agricultural schools are also in existence, combining with great success literary and agricultural education. Several schools of design have also sprung up, of which two at least—those in Dublin and Belfast—have done good service in the application of art to manufactures. Many

other schools, though more or less of an exclusive cast, are also busily engaged in forwarding the good work. Notwithstanding the desperate opposition which they have experienced, we find already on the books of the three Queen's Colleges, the names of nearly 600 students, who are engaged in the study of the higher branches of knowledge. But while the education of the youth thus progresses, the adult portion of the community have not been idle. In fact, the whole mind of Ireland seems to be thoroughly aroused. Besides the literary societies of long standing in the metropolis, there have recently sprung up two others of great importance. In November, 1847, the Dublin Statistical Society was established for the purpose of promoting the study of statistical and economic science. It has already become one of the most flourishing and influential societies in Ireland. The trustees of a gentleman who had left a considerable sum for lectures on political economy have wisely given the management of the fund to the council of this society, and lectures are accordingly delivered by gentlemen selected by the Council, in different provincial towns. It is hardly possible to overestimate either the actual benefit which this society has produced, or the result of its future labours. Another society has sprung out of it, that for promoting scientific inquiries into social questions. This society has already published two able reports, to both of which we have already had occasion to confess our obligations—one, by Mr. Longfield, on the Land Question; the other, by Dr. Lawson, on the Patent Laws. But this intellectual activity is not confined to Dublin alone. Not to mention Belfast, which has been long distinguished in this as well as other respects, we find literary societies springing up in almost every part of Ireland. Drogheda, Dundalk, Clonmel, Lurgan, Ardee, Armagh, Cavan, Belturbet, Galway, and many other places, have all shown a resolution not to be left behind. Even in Tuam itself, under the gloomy shadow of St. Jarlath's—long the undisputed kingdom of Old Night—we find that a literary institute has

been organised, and has actually published a very respectable report of their transactions; and, more portentous still, they are, during this very summer, to have their faith and morals contaminated by a course of lectures in very heretical political economy.

Even among those who never dream of its advances, education is silently progressing. The Reports of the Board of Works give us some curious information on this subject. They tell us that in many places the wild duck and the snipe have been ejected by oats and turnips, and that the keenest fox-hunters are abandoning their hounds under the fascinating influence of green crops. The Practical Instructors have laid the foundation of a sounder practice of agriculture among the poorer classes, while the Inspectors of Drainage have done the same good service among the upper. Although the advances under the Land Improvement and Drainage Acts were clearly objectionable, and can be justified only by the urgent necessity for relief, and the utter unsoundness of our social system, they have certainly produced some very important results.* It is not that 100,000 acres have been rescued from sterility, and that the annual income of the country will be augmented by £150,000, at a charge of about £114,000 a year for only 22 years, that is of such great importance. The change effected in all connected with the soil is of far greater moment, and, as schools of agriculture, if not as profitable investments, the works under these grants have proved most beneficial. "Three striking effects," says the Board of Works,† "have been produced by the Land Improvement Act. *First*. The proprietor who obtained the loan has gradually become sensible of the great pecuniary advantage to be derived from thorough draining, and in consequence has used his best exertions to carry out the works successfully. *Secondly*. Excellent cereal and green crops

* See Thom's Statistics of Ireland, p. 234.

† 17th Report, p. 24.

have been produced on land previously of little value. *Thirdly.* The labourers have been weaned from the old system of day-labour, which always encourages idleness, and have adopted piece or task-work, according to which each man receives the just reward of his industry and exertions, and is paid in proportion to the work done." The system of superintendence adopted was well calculated to check the old habits of idleness and carelessness, both of the employers and employed. It is too often forgotten, that habits which have been the growth of many years cannot be at once eradicated. Of all the qualities requisite for one who really wishes to be of practical use to Ireland, not the least important is patience. We find many illustrations of these remarks through all the reports of the various Inspectors of Drainage, but we shall merely make one extract. "A great improvement,"* says Mr. Prendergast, "has taken place in the system of agriculture practised by the small farmers during the last three years. Turnips are to be seen near every house; and among the chief benefits of the loans I place the introduction of so many well-trained agriculturists and overseers, from whom the people have received much instruction." In the same gentleman's report we find the following remarkable statement:—"Above two thousand labourers have been employed by the loans in Co. Leitrim, and the wages earned by task-work amount frequently to 15d. a day for able men, and from 8d. to 1s. for others, according to ability; while the ordinary rate of wages in the country is but 8d. a day, for daily labour for gentlemen's farms, and among the farmers it rarely exceeds 4d., 5d., or 6d., with a little food."

But while we see that agitation is fast passing away, and that education is rapidly progressing, we must not forget another question of deep importance to Ireland, and one closely connected with the two preceding subjects of our inquiry—we

* 17th Report of Board of Works, p. 18.

mean the amount of crime. It is truly gratifying to be at length able to indicate a marked and striking improvement on this subject. We find the judges congratulating the grand juries on the lightness of their calendars in almost every county in Ireland. Even in Tipperary itself, Serjeant Howley, at the last Quarter Sessions, remarked that the "class of offences where violence had been used had nearly altogether disappeared." Still more conclusive is the report of the Inspector-General of Prisons for the year ending December 31st, 1850. It appears that the total number of criminal cases at Assizes and Quarter Sessions was 31,326, as against 41,989 in 1849; thus showing a decrease of one-fourth. In the number of persons sentenced to transportation the decrease is still greater: the numbers being, in 1850, 1,858; in 1849, 3,073.

Although we thus rejoice at the diminution of those serious offences, it is painful to reflect that the great bulk of the offences which at present fill the calendar are evidently the results of deep destitution and distress. We have already referred to the happy effects of employment in preserving the peace of many districts, even in very troubled times. There surely cannot be a doubt that the greater part of this class of cases would quickly disappear, if the fearful temptations of destitution were removed. It is but right to add, that the Inspectors are of opinion that many of these cases brought to trial are such as in former years had escaped with impunity, and they attribute this increased efficiency of the police to the fact that "the improved condition of the country in the extinction of agrarian combinations and political disturbance, has left more time and larger force at their disposal, and has enabled them, by the cessation of their quasi-military duties, to devote their attention more exclusively to such matters as belong to their capacity of corrective and detective police." The increased facility of communication between England and Ireland is also already producing the best results. Thousands of tourists last year visited our

more remote districts, and many more will do so in the present season. The English wonder at finding the Ireland which they see so different from that of which they hear.* They see how the poor fellows employed on the public works labour; they find, when they themselves employ them, or they hear from those who do employ them, that they only desire a fair day's wages for a fair day's work; and that, if they get common fair play, they become steady and excellent workmen. Above all, Englishmen are now beginning to understand the reason why Ireland has been left so far behind in the great race of industry. The condition of our country no longer appears an exception, as it was once considered, to all known laws, but a remarkable illustration of the consequences of their violation; and men perhaps will sometimes ask themselves—Would England, if she had been placed under similar circumstances, be better off than Ireland is?

The abstract of the Population Returns,† which has just been published, might well, at first sight, seem to contradict all hopes of our progress. Ireland appears to have retrograded thirty years. Her population in 1851 is less by 300,000 than it was in 1821. Still we cannot but think that this tempest of calamity has served “to scourge before it the lazy elements,”‡ which, in our case at least, had stagnated into so fatal a pestilence. The indications exist of, it may be a slow, but still a steady, recovery. But, even supposing that no such indications existed, it would be a grave error to imagine that the country is now in the same position in which it stood when the Census of 1821

* See “The Saxon in Ireland,” *passim*.

† The latest time fixed for receiving the competing Essays was July 21st. The preceding pages had been therefore written at the time when the Returns of the Census Commissioners were published. This circumstance will explain the allusions in this Essay to the results of the Census as being yet unknown.

‡ Lord Erskine.

was taken. The close of that decennial period witnessed the final triumph of religious freedom. The commencement of the next was ushered in by the recognition of political freedom. Even the last ten fatal years have seen the great principle of commercial freedom cease to be a mere theory of the economist, and take its place as the corner-stone of our national policy. Yet this is but the beginning of the end. Free-trade and the repeal of the Corn-laws are far from being convertible terms. We have shown that much still remains for us to do. Is it too extravagant a hope that the signalising feature of the approaching decennium will be the total unfeudalization of the land itself, as the preceding one witnessed the liberation of its produce? The fearful decrease of our population, equal in its positive and preventive results to about thirty-two per cent., or nearly one-third of the whole population of 1841, could never have occurred except from a total disregard of all the laws which regulate social progress. But in this very neglect—in the omissions and the commissions of the past—we rest our fairest hopes for the future. Had this calamity befallen us under a sound social system, we could only bow with resigned submission to the stroke which we could not avert. But now we can distinctly trace the operation of human agencies, and we have to deal with results which man has caused, and which man can cure. In the mode of treatment which we must adopt, we have no discretion. We must retrace our steps; we must conquer nature by obeying her. We must liberate the manufacture of the first necessary of life from restrictions under which no other manufacture could possibly be carried on. Any other policy must be, in the words of Edmund Burke, “vulgar in its conception, and perilous in its execution.” Yet, partly from old prejudices, partly from ignorance of the subject, and partly, too, from the trouble and the moderation which are necessary for the discovery of truth, a strange apathy has hitherto existed

towards any practical attempt at social reform. No petition* was presented to Parliament for or against the first Incumbered Estates Bill. The House of Commons itself could give no better reception to two most able speeches† on the land question than a "count out." The amendment of the Judgment Acts, or the abolition of Entails, or even Chancery reform, have never yet formed any part of the stock-in-trade of our demagogues. Even still men are found to desiderate a republic, as if the laws of nature could be changed with every change of government. Many people cannot be convinced but that a Parliament in College-green could have given to the western cottiers, in time of famine, that cheapness and plenty which they never enjoyed in the most abundant harvest. Others again recur to the golden age of the Corn-laws, and clamour for protection from the foreigner, yet never ask protection from the lawyer. Men who agree in nothing else unite in denouncing the Poor-law, as though high rates were an ultimate cause, and not a very obvious effect. People will not, or cannot, remember what the condition of the Irish peasantry was when there was a maximum of protection for the rich, and a minimum of protection for the poor. It is time for Irishmen to cease such trifling. They must calmly and fearlessly investigate the causes of pauperism. They will soon learn that it is not the grasping tyranny of one class, nor the brutal perversity of another, nor the ignorant selfishness of a third, that has kept millions of acres of our most fertile lands half tilled, and millions more desolate wastes—that has driven our strong men into the poorhouses, or forced them beyond the seas, and that has left upwards of 38 millions‡ of money lying profitless in the funds. They will soon find that

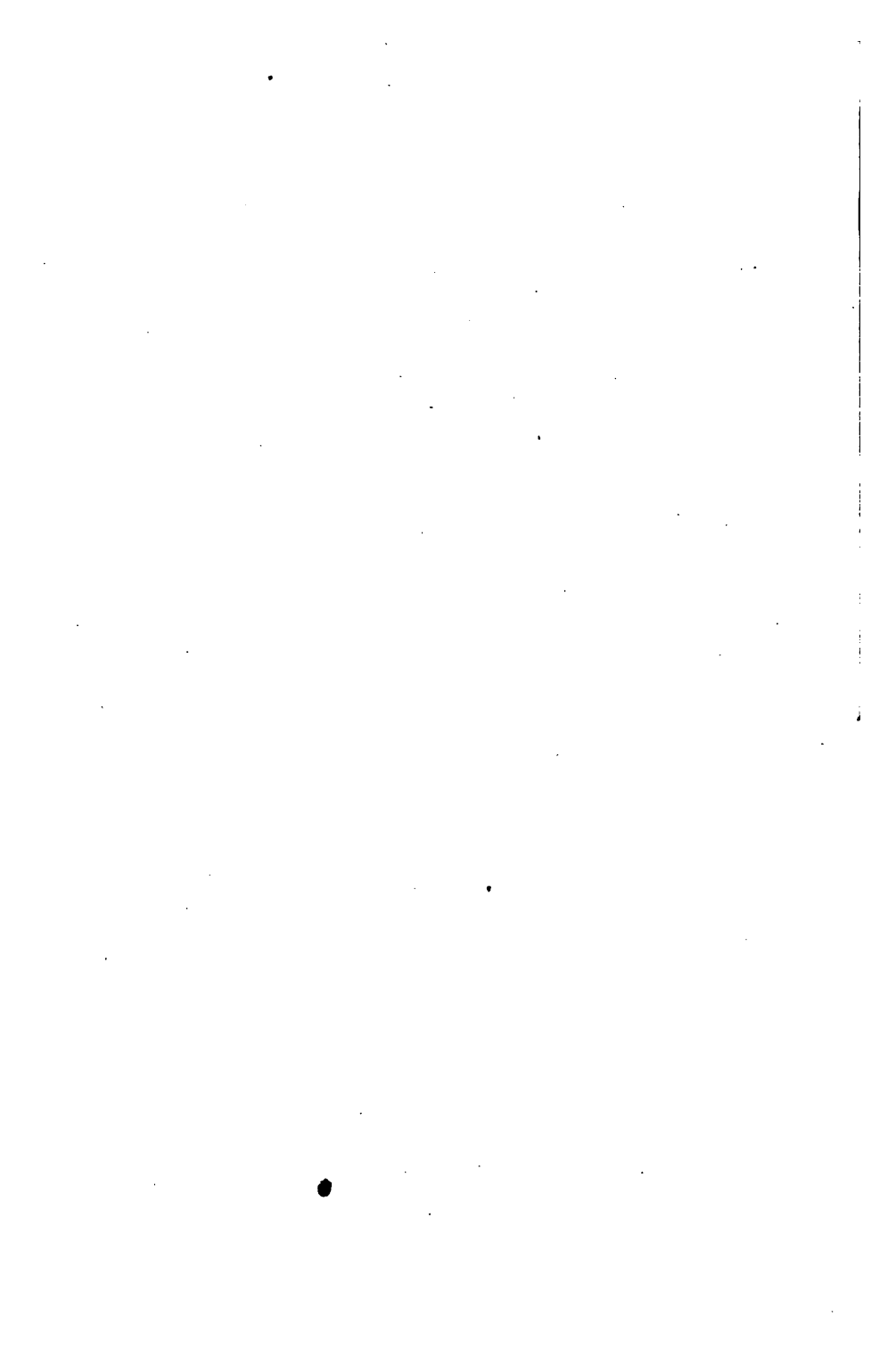
* See some observations by Mr. Callaghan. Hansard, 100, p. 403.

† By Mr. Sadleir and Sir John Romilly, April 17, 1849. See Hansard, 104, p. 403.

‡ Thom's Statistics of Ireland, p. 195.

it is a senseless devotion to the cumbrous legislation of a bygone age that has done this great thing. They must extend as widely as they can this knowledge, and earnestly seek for an amendment of the evil. But, at the same time, they must be fully persuaded that each man, by doing his duty in his own sphere of life, is taking a direct and active part in accelerating the progress of his country. Above all, they must cease to search for those matters on which they differ, and steadily contemplate those on which they agree. Differ as they may in some respects, Irishmen have all great points of union. Inhabiting a common country, speaking a common language, schooled by a common affliction, aiming at a common end—their own and their country's happiness—they must remember that great principle which no legislation can impress upon their minds, which none ought ever to efface from them. They must never forget that the true patriot has Christianity for his creed, and that his party is his country.

Μόνη τῇ Ἀληθείᾳ θύσιον.



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